

EXHIBIT 1

DECLARATION OF PHILIP H. STILLMAN

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL J. FLYNN, WILLIAM
SHERIDAN, MICHAEL TABB and PHILIP
STILLMAN

Plaintiffs,

vs.

MICHAEL E. LOVE, an individual; and
JACQUELINE LOVE, an individual;
MICHAEL E. LOVE as TRUSTEE OF THE
MICHAEL LOVE FAMILY TRUST;
MELECO, INC., a Nevada corporation; and
DOES 1-10,

Case No.: 3:19-cv-00239- MMD-CBC

**PLAINTIFFS' FIRST SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS**

Pursuant to F.R.C.P. 34 Plaintiffs hereby submit the following First Set of Request for
Production of Documents.

PROPOUNDING PARTIES: **Plaintiffs**

RESPONDING PARTY: **Defendants**

DEFINITIONS

1 1. **"Defendants"**, **"you"**, and **"your"** means the defendants, and each of them,
2 identified in the caption above.

3 2. **"Document"** means all manner of written, typewritten, printed or recorded
4 material whatsoever, including, without limitation, any electronic data, cloud storage, computer
5 server, hard drive, jump drive, graphics, mechanical or oral records or recordings of any kind,
6 correspondence, letters, telegrams, memoranda, notes, transcription of notes, calendars, diaries,
7 minutes or records of meetings or conferences, contracts, agreements, reports, checks,
8 statements, receipts, returns, summaries, drafts, inter-office and intra-office communications,
9 offers, notations and conversations, records of telephone calls or meetings, computer printouts,
10 tele-faxes, electronic mails (emails), invoices, profit and loss accounts, worksheets, drawings,
11 plans, specifications, publications, pictures, blueprints, schematics, tape recordings, transcripts of
12 records, video records, logbooks, lab notebooks, monthly reports, business records, patent
13 applications, trademark applications, copyrights and all drafts, alterations, modifications,
14 changes and amendments of any of the foregoing of which you have knowledge or which are
15 now, or were formally, in your actual or constructive possession, custody or control.
16

17 3. **"Identify"** when used to refer to a **document** shall mean to state:
18

19 a. the type of each such document (e.g., letter memoranda, telephone
20 message, notebook, etc.);
21

22 b. the title(s), caption(s) or subject matter of each such document;

23 c. the date of each such document or, if the date is unknown, the best
24 approximation of when each document was prepared, originated, or created; and

25 d. the author of each such document.

26 4. **"Identify"** when used to refer to a **natural person** shall mean to state:
27

28 a. each such person's full name and current home

1 address and telephone number (or the last known home address and telephone
2 number);

3 b. each such person's current business address and telephone number (or the
4 last known business address and telephone number); and

5 c. each such person's current employer and job title or position (or the last
6 known employer and job title or position).
7

8 5. "**Identify**" when used to refer to an entity such as a corporation or partnership
9 shall mean to state:

10 a. each such entity's legal name and all names under which the entity does
11 business; and

12 b. each such entity's business address or last known address.

13 6. "**Identify**" means, with respect to a communication, to state all of the following
14 information:
15

16 a. whether it is written or oral;

17 b. if oral, (1) state the substance of the oral utterances; (2) state the date and
18 place thereof; (3) identify the persons making the oral communication; and (4) identify each
19 person who was present at the time the oral communications were made, and;
20

21 c. if written, identify all documents (in the manner set forth above) which
22 reflect the communications and all documents which pertain, refer or relate to any matter
23 whatsoever to the communication.

24 7. The phrase "**relating to**," in addition to its customary and usual meaning, means
25 discussing, documenting, supporting, backing-up, mentioning, pertaining to, assessing,
26 recording, constituting, concerning, describing, touching upon and/or summarizing.

27 8. "**And**" and "**or**" shall be interpreted to mean and/or.
28

- 1 9. Plural words shall be interpreted to include the singular and vice versa.

2
3
4 INSTRUCTIONS

- 5 1. Any term that is not defined herein has its usual and customary meaning.

6 2. The singular includes the plural and vice versa. The masculine includes the
7 feminine and vice versa. The disjunctive includes the conjunctive and vice versa as necessary to
8 make the request inclusive rather than exclusive. The use of a verb in any tense encompasses the
9 use of the verb in all tenses.

10 3. Definitions of terms shall apply to such terms regardless of whether such terms
11 are capitalized or not capitalized.

12 4. All requests for production shall be interpreted to bring within their scope the
13 broadest range of discovery permissible.

14 5. Any ambiguity in a request for production shall be construed to bring within the
15 scope of the request all responses that might otherwise be construed to be outside its scope.

16 6. Notwithstanding anything to the contrary herein, each word, term or phrase shall
17 have the broadest meaning permissible.

18 7. Each request for production is continuing in nature and shall be modified or
19 supplemented to include any new or different information which You may become aware of,
20 acquire, obtain, locate or identify, up to and including the time of trial of this action.

21 8. All Documents produced pursuant to these requests for production are to be
22 produced in the form, order and manner in which they are maintained in the usual course of
23 business, or shall be organized and labeled to correspond with the categories in these requests.

24 9. Each request for production shall be deemed to include any attachment,
25 transmittal sheet, cover letter, enclosure or annex to the requested Document.

26 10. Each request for production extends to all Documents in the possession, custody
27 or control of You or anyone acting on Your behalf, including, without limitation, all Documents
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1 in the possession, custody or control of Your attorney, including, without limitation, emails sent
 2 or received by Your attorney on Your behalf. A Document is deemed to be in Your possession,
 3 custody or control if it is in Your physical custody, or if it is in the physical custody of any other
 4 Person and You: (a) own such Document in whole or in part; (b) have a right, by contract, statute
 5 or otherwise, to use, inspect, examine or copy such Document on any terms; (c) have an
 6 understanding, express or implied, that You may use, inspect, examine or copy such Document
 7 on any terms; or (d) as a practical matter, have been able to use, inspect, examine or copy such
 8 Document when You sought to do so.

9 11. If any requested Document was, but no longer is, in Your possession, custody or
 10 control, state the disposition of such Document.

11 12. If any requested Document is withheld under any claim of privilege, including,
 12 without limitation, attorney-client privilege and attorney work product, You shall:

- 13 (a) provide the request for production to which the Document relates;
- 14 (b) provide the date of the Document;
- 15 (c) provide the title of the Document;
- 16 (d) Identify its author(s) or preparer(s);
- 17 (e) describe the Document sufficiently to Identify it without revealing the
 18 information for which privilege is claimed;
- 19 (f) provide the privilege under which it is withheld;
- 20 (g) describe the subject matter of the Document sufficiently to support Your
 21 contention that the Document is privileged; and
- 22 (h) Identify each Person who was sent, shown or furnished with or received,
 23 viewed or has possession, custody or control of the Document or a copy
 24 thereof.

25 13. If a portion of any Document is withheld under a claim of privilege, any non-
 26 privileged portion of such Document must be produced with the portion claimed to be privileged
 27 redacted.

1 14. If any requested Document is known to have existed and cannot now be located,
2 or has been destroyed or discarded, You shall:

- 3 (a) provide the request for production to which the Document relates;
- 4 (b) provide the date of the Document;
- 5 (c) provide the title of the Document;
- 6 (d) Identify its author(s) or preparer(s);
- 7 (e) describe the Document;
- 8 (f) Identify each Person who was sent, shown or furnished with or received or
9 viewed the Document or a copy thereof;
- 10 (g) Identify the last known custodian;
- 11 (h) provide whether the Document is lost, destroyed or discarded;
- 12 (i) provide the date the Document was lost, destroyed or discarded;
- 13 (j) if the Document was destroyed or discarded, provide the manner of
14 destruction or discard;
- 15 (k) if the Document was destroyed or discarded, provide the reason(s) for the
16 destruction or discard;
- 17 (l) if the Document was destroyed or discarded, Identify the Person(s)
18 authorizing or carrying out the destruction or discard; and
- 19 (m) describe the efforts made to locate lost Documents.

20 15. If, after exercising due diligence to secure them, You cannot provide some or any
21 of the requested Documents, so state and provide all requested Documents to the extent possible,
22 specifying the reason for Your inability to produce the remainder of the requested Documents,
23 and stating whatever information or knowledge You have concerning each requested Document
24 not produced.

25 16. If any requested Document or other Document potentially relevant to this action is
26 subject to destruction under any Document retention or destruction program, the Document shall
27 be exempted from destruction and shall not be destroyed until the conclusion of this action or
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1 unless otherwise permitted by the Court.

2 17. If any objection is made to any request for production, state Your objection and
3 the ground(s) for objection with particularity. If an objection is made only to part of the request
4 for production, identify that part and state Your objection and the ground(s) for objection with
5 particularly.

6 18. An objection or claim of privilege directed to part of a request for production does
7 not constitute an excuse for failure to respond to the parts of a request for production for which
8 no objection or claim of privilege is made.

9 19. Unless otherwise indicated in a particular request, the time period covered by
10 these requests for production is from January 1992 to the present and shall encompass all
11 Documents concerning in whole or in part such period, or events or circumstances during such
12 period, even though dated, prepared, generated or received prior to that date.

13 14 15 **REQUEST FOR PRODUCTION OF DOCUMENTS AND TANGIBLE THINGS**

16 **REQUEST FOR PRODUCTION NO. 1:**

17 Produce and identify for inspection and copying the originals, or original copies of all,
18 memos, correspondence, letters, reports, notes, and documents of every nature and description,
19 relating to the subject matter of the Abraham Somer conflict of interest in connection with the
20 sale of the Sea of Tunes catalog of songs in 1969, sent to or received by you, your agents,
21 employees, attorneys and others from John Branca, and / or his law office between January, 1982
22 and December 31, 1995.

23 **REQUEST FOR PRODUCTION NO. 2:**

24 Produce and identify for inspection and copying the originals, or original copies, of all,
25 memos, correspondence, letters, reports, notes, and documents of every nature and description,
26 relating to the subject matter of the Abraham Somer conflict of interest in connection with the
27
28

1 sale of the Sea of Tunes catalog of songs in 1969, sent to or received by you from Robert Kory,
2 and / or his law office, between January 1982 and December 31, 1995.

3 **REQUEST FOR PRODUCTION NO. 3:**

4 Produce and identify for inspection and copying the originals, or original copies, of all,
5 memos, correspondence, letters, reports, notes, and documents of every nature and description,
6 relating to the subject matter of the Abraham Somer conflict of interest in connection with the
7 sale of the Sea of Tunes catalog of songs in 1969, sent to or received by you from Harry
8 Hathaway, and / or his law office, between January, 1982 and the present.

9 **REQUEST FOR PRODUCTION NO. 4:**

10 Produce and identify for inspection and copying the originals or original copies of the
11 February 19, 1985 letter, relating to the subject matter of the Abraham Somer conflict of interest
12 in connection with the sale of the Sea of Tunes catalog of songs, sent to you or received by you
13 from John Branca, and / or his law office; and / or sent to you by Robert Kory; and / or Harry
14 Hathaway.

15 **REQUEST FOR PRODUCTION NO. 5:**

16 Produce and identify for inspection and copying the originals, or original copies of all
17 correspondence, notes, memos, and documents of every nature and description, relating to the
18 subject matter of the Abraham Somer conflict of interest in connection with the sale of the Sea of
19 Tunes catalog of songs in 1969, sent to you or received by you from Elliott Lott and / or the
20 agents, employees, Directors, shareholders of Brother Records, Inc..

21 **REQUEST FOR PRODUCTION NO. 6:**

22 Produce and identify for inspection and copying the originals, or original copies of the
23 Report and / or documents prepared by the attorney(s) retained by John Branca and / or Brother
24 Records, Inc., referenced in Branca's February 19, 1985 letter, relating to an investigation into
25 the subject matter of the Abraham Somer conflict of interest in connection with the sale of the
26 Sea of Tunes catalog of songs in 1969, sent to you or received by you from John Branca, and / or
27 his law office, and / or from Robert Kory and / or his law office, and / or from Harry Hathaway
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1 and his law office; and / or from any agent, employee, Director or shareholder of Brother
2 Records, Inc..

3 **REQUEST FOR PRODUCTION NO. 7:**

4 Produce and identify for inspection and copying the originals, or original copies of all
5 documents in the possession of Jacquelyne Piesen Love or Michael E. Love relating to the
6 subject matter of the Abraham Somer conflict of interest in connection with the sale of the Sea of
7 Tunes catalog of songs in 1969.

8 **REQUEST FOR PRODUCTION NO. 8:**

9 Produce and identify for inspection and copying the originals, or original copies, of all
10 documents in the possession of Jacquelyne Piesen Love or Michael E. Love, relating to the
11 subject matter of the Abraham Somer conflict of interest in connection with the sale of the Sea of
12 Tunes catalog in 1969, which either of you have provided to the law firm of Greenberg Traurig,
13 and/or any other individual.

14 **REQUEST FOR PRODUCTION NO. 9:**

15 Produce and identify for inspection and copying the originals, or original copies of all
16 documents, electronic recordings, files, and materials in your possession from the files and
17 documents of Michael J. Flynn, Philip Stillman, Carla DiMare and/or the law firm of Flynn,
18 Sheridan, Tabb and Stillman.

19 **REQUEST FOR PRODUCTION NO. 10:**

20 Produce and identify for inspection and copying all originals, or copies of originals, of all
21 documents, memos, electronic data, electronic files, or documents of every nature and
22 description from the files, records and documents of Robert Kory provided to you or to Harry
23 Hathaway, and / or received by you from Kory or Hathaway, relating to any and all matters
24 involving the representation by the Plaintiffs in the cases of Michael E. Love v Irving Music, and
25 Brian Wilson; and Brian Wilson v Irving Music. .

26 **REQUEST FOR PRODUCTION NO. 11:**

27 Produce and identify for inspection and copying the originals, or original copies of all
28

documents, electronic recordings, files, and materials in your possession from the cases of Love v Irving Music, Brian Wilson, Abraham Somer; and from the case of Wilson v Irving Music, Abraham Somer.

REQUEST FOR PRODUCTION NO. 12:

Produce and identify for inspection and copying all accounting records in your possession relating to any and all accounting and / or financial matters relating to Michael Flynn and/or the law firm of Flynn, Sheridan, Tabb & Stillman.

REQUEST FOR PRODUCTION NO. 13:

Produce and identify for inspection and copying all documents of every nature and description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach Boy" at p. 374:

“Frankly, I had no idea how much money I was being ripped off each year. Before the trial, I was receiving about \$75,000 a year in songwriter royalties. After the trial, the amount jumped to over a \$1 million a year.” (BOLD SUPPLIED)

REQUEST FOR PRODUCTION NO. 14:

Produce and identify for inspection and copying all state and federal tax returns, and/or portions thereof, or schedules and work papers, for the years 1992 through 2000, relating to the statement above in Request No. 13, and relating to the following statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach Boy" at p. 373:

“The case wasn’t over yet. The trial established Brian’s liability, but a second trial would determine damages. The enduring popularity of the songs, which included seven Top 10 hits, left Brian badly exposed. To determine lost royalties or compensatory damages, Mike Flynn analyzed the past financial records of Capitol Records and Irving Music and estimated I had lost between \$ 18 million and \$ 22 million. To determine the value of the actual copyright, Mike was going to have experts testify that it was worth between \$ 40 million and \$ 100 million. And because Brian was guilty on multiple counts of fraud, Mike was going to ask for punitive damages, which— if awarded— would have been ten times the compensatory damages.”

1 **REQUEST FOR PRODUCTION NO. 15:**

2 Produce and identify for inspection and copying all documents of every nature and
3 description, including but not limited to all electronic and digital files, relating to the following
4 statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach
5 Boy" at p. 341-342:

6 "Tom Hulett, our manager, would have drinks with Landy as a way
7 to keep the door open with my cousin, and in 1986, Landy told
8 Tom that Brian was going to sue Irving Music, the parent of A&M
9 Records, whose Almo/Irving publishing arm bought the Sea of
10 Tunes catalog in 1969 for \$700,000. According to Landy, Brian
11 was going to win back his publishing rights, and he, Landy, was
12 driving the case.

13 "One of Brian's representatives called me to discuss the suit, and
14 on December 5, 1986, my lawyer, Robert Kory, and I met with
15 Brian's attorneys, John Mason and Jim Tierney. They said they
16 believed they could reverse the sale. Even though it had occurred
17 seventeen years earlier, they said mental incompetency could
18 overturn the statute of limitations, and they were going to argue
19 that Brian was mentally incompetent at the time."

20 "On December 22, 1986, just a few weeks after we had met with
21 Brian's lawyers, they sent me a letter confirming what we had
22 discussed, including that I would receive a third of any proceeds
23 from their suit."

24 **REQUEST FOR PRODUCTION NO. 16:**

25 Produce and identify for inspection and copying all documents of every nature and
26 description, including but not limited to all electronic and digital files, relating to the following
27 statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach
28 Boy" at p. 373-374:

29 "Brian was facing potential damages of between \$58 million and
30 \$342 million – almost certainly the largest case of fraud in music
31 history.

32 "By accepting a fraction of what I could have collected, I cost
33 Mike Flynn millions of dollars in contingency fees, every penny of
34 which he earned. But he never pushed me to get more money, nor
35 did he ever waver in a case that became a three year crusade. With
36 all due respect to Bobby Hatfield and Bill Medley, Mike Flynn is
37 the ultimate Righteous Brother."

1 **REQUEST FOR PRODUCTION NO. 17:**

2 Produce and identify for inspection and copying all documents of every nature and
3 description, including but not limited to all electronic and digital files, relating to the following
4 statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach
5 Boy" at p. 227:

6 "It was, of course, one of the dumbest decisions in music history.
7 The Beach Boys didn't die, and the catalog was a cash machine for
8 decades to come, generating more than a hundred million dollars in
9 publishing royalties, none of which Murry or the Beach Boys ever
10 saw."

11 **REQUEST FOR PRODUCTION NO. 18:**

12 Produce and identify for inspection and copying all documents of every nature and
13 description, including but not limited to all electronic and digital files, relating to the following
14 statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach
15 Boy" at p. 351:

16 "In October of 1991, my lawyer [Robert Kory] told me that Brian
17 had decided to settle with Irving Music, and the proposed
18 settlement was \$ 10 million for all claims— a fraction of what
19 Brian's lawyers thought they could win. In a phone call, my
20 attorney told me that I would not receive any of those proceeds,
21 nor would I receive credit on any of the songs that I wrote. The
22 case would soon be over, and there wasn't anything I could do
23 about it.

24 "After hanging up, I paced back and forth across the house, not so
25 much in rage but in disbelief, asking myself over and over again.
26 What the fuck just happened? I had been deposed for two full days
27 for this lawsuit, and I had helped them get \$ 10 million, and now,
28 no money, no song credits, nothing. This was the third time I had
 been screwed. First when Murry didn't give me credit. Then when
 Murry sold the catalog. And now this time.

29 **REQUEST FOR PRODUCTION NO. 19:**

30 Produce and identify for inspection and copying all documents of every nature and
31 description, including but not limited to all electronic and digital files, relating to the following
32 statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach
33 Boy" at p. 351:

Boy" at p.351-352:

"Just as Jacquelyne spoke to him in her time of need, I sat down with Deepak and told him what happened with the lawsuit. Deepak told me I had to meet a lawyer who had represented him and was at the center right now. His name was Mike Flynn, and he might be able to help.

"Mike joined Jacquelyne and me for dinner. He was lean, with straight dark hair and sharp angular features. Even at a health spa, he didn't seem like the relaxing type, and the more I told him about what happened, the more interested he became. He preferred cases that involved "huge injustices"—right versus wrong, underdog versus top dog, good versus evil. "When I'm looking into the eyes of the jury," he later said, "I want to be wearing the white hat."

REQUEST FOR PRODUCTION NO. 20:

Produce and identify for inspection and copying all documents of every nature and description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach Boy" at p.

"Our spiritual faith created a common bond— Mike Flynn had practiced TM since 1974— but it was his legal faith that separated him from all others. Dating back to the 1960s, every lawyer I had spoken to about my music-related legal problems had told me the same thing: yes, I'd been cheated, but there was nothing I could do.

"Lost causes, combined with huge injustices, were the very causes that Mike Flynn embraced. His willingness to help me was a revelation, but we still needed to do our astrological vetting. Jacquelyne asked Mike over dinner what his birth date was and what time he was born. He excused himself to call his mother and returned with the information. Then Jacquelyne left the table and returned with our astrologer's planetary assessment of Mike: "In the twelfth House of Justice, he has an exalted Jupiter."

"That was good enough for Jacquelyne. "Hire him," she said. Mike Flynn, who had offices in San Diego County, began his work, and it included filing a suit against HarperCollins for defamation in Brian's memoir. The book itself cast Gene Landy as Brian's savior (Landy also collected a third of the \$ 250,000 advance), while depicting me and the other members of the band as shameless malefactors who exploited Brian. Over the years, I've told many people, including reporters, that Wouldn't It Be Nice is "my

1 favorite book that I've never read," because HarperCollins settled
 2 the suit for a good deal of money. But that flippant remark
 3 deflected my true feelings. I read as much of Brian's book as I
 4 could stomach and was stung by the false attacks against me, some
 5 of which were recycled from the 1970s. Describing me as
 6 "smarmy," "creepy," and "flashing an evil grin," the memoir
 7 falsely claimed that I "hated everything" about Pet Sounds, alleged
 8 that I had cost Brother Records "millions of dollars in lost
 9 royalties" in bad business decisions, and blamed me for Brian's
 10 descent into "booze, drugs, and food." Writing songs with cousin
 11 Mike, Brian wrote, "had nearly killed me several times over."

8 **REQUEST FOR PRODUCTION NO. 21:**

9 Produce and identify for inspection and copying all documents of every nature and
 10 description, including but not limited to all electronic and digital files, relating to the following
 11 statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach
 12 Boy" at p. 354 – 355.

13 "I knew that over the past three decades, plenty of things had
 14 happened to the Beach Boys that I either didn't understand or had
 15 neglected, but when Mike sat down with us in our living room, he
 16 came with piles of documentary evidence that he and his law firm
 17 had collected and analyzed, documents that I had never seen
 18 before, some dating all the way back to the inception of the group.
 19 He had copyright applications for songs, minutes from Brother
 20 Records board meetings, incorporation papers from Beach Boy-
 21 related companies, and letters. I then received a history lesson in
 22 deception, greed, and misplaced loyalty.

23 "For one thing, Brian's lawyers misled me from the beginning
 24 about the grounds on which they were going to overturn the sale of
 25 the catalog. It wasn't only that Brian was mentally incompetent. It
 26 was also that our lawyer at the time of the sale, Abe Somer, was
 27 representing both sides of the transaction. He was the Beach Boys'
 28 attorney, but he was also the lawyer for Irving Music and its
 subsidiary, A& M Records. In addition, Somer was on the board of
 directors for both Irving Music and A& M Records, and he assisted
 Irving in the transaction. He never disclosed his dual representation
 to me or, as far as I knew, to anyone in the Beach Boys. It was a
 clear conflict of interest, and it was used in Brian's case against
 Irving Music to try to overturn the catalog's sale."

"That was a shot to the gut. The guy we had entrusted to protect
 our songs was a snake, and as Mike Flynn explained it, the lies
 continued to this day. Brian's current lawyers had to know that if I

1 was aware of the Somer conflict, I would have wanted to join the
 2 case against Irving Music. But if I joined Brian's case, we would
 3 have to split the proceeds and take money out of their pockets and
 4 Landy's. These lawyers concealed the Somer conflict from me,
 5 even though some of them knew it as early as 1986. Mike
 6 explained that because Brian and I had been music and business
 7 partners since the inception of the band, Brian and his lawyers had
 8 a fiduciary obligation to share that information with me. Instead,
 9 they concealed it, and I testified in their case, in exchange for
 10 promises of money and credit— promises, of course, that were
 11 never kept."

12 **REQUEST FOR PRODUCTION NO. 22:**

13 Produce and identify for inspection and copying all documents of every nature and
 14 description, including but not limited to all electronic and digital files, relating to the following
 15 statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach
 16 Boy" at p. 355 – 358:

17 "That was sleazy, but I wasn't surprised. I knew about Landy, and
 18 I'd been dealing with corrupt lawyers for decades. But Mike Flynn
 19 said I hadn't heard the worst of it. He grabbed another folder and
 20 said that the actual sale of the catalog in 1969 was the product of
 21 an elaborate scam to defraud me and was the culmination of years
 22 of deception.

23 "I was listening.

24 "It started with the Sea of Tunes. When it was formed in 1961, it
 25 was a sole proprietorship, and Uncle Murry and Brian each had a
 26 50 percent stake, though Brian gave his half away the following
 27 year. Throughout the 1960s, Brian told me that he controlled the
 28 Sea of Tunes, which reassured me that I needn't worry about my
 song credits. But according to a 1965 letter from Brian, Uncle
 Murry controlled the catalog."

"The actual scam began in 1967, when Abe Somer began
 representing the Beach Boys. Mike told me that Somer had
 engaged in these kinds of deals in the past, so he knew what he
 was doing, and once he and my uncle formed an alliance, he could
 move the pieces into place.

"Their goal was to sell the catalog and pocket the cash, but when
 Somer investigated the actual songs, he encountered a major
 problem. When you write a song, you're supposed to assign the
 copyright to a publisher, through a copyright registration and a

1 songwriter's agreement, and the publisher distributes songwriter
2 royalties from record sales and other publishing fees. For the
3 Beach Boys, Uncle Murry and Brian tried to assign the copyrights
4 to the Sea of Tunes, but when Somer searched for those
5 assignments, he discovered a mess. The wrong songwriter forms
6 had been used, while other forms were incomplete, dated
7 incorrectly, or appeared to have been forged (which was later
8 confirmed). Others were simply missing. Under the laws at the
9 time, if a copyright was not assigned, then it remained with the
10 songwriter, and any alleged copyright holder—in this case,
11 Murry—lost it.

12 “No one would buy the publishing rights to our songs unless they
13 could also buy the copyrights, but in terms of copyrights, the Sea
14 of Tunes was an empty vessel.

15 “Fixing the problem required even more chicanery. It involved the
16 incorporation of Brother Records and the Sea of Tunes catalog,
17 which masked the defects in the assignments and limited the
18 liability for the buyer. Even those secret moves weren't enough to
19 ensure the acquisition. I still owned the copyright to all my songs,
20 and I could assert those rights regardless of who owned the
21 catalog. To get the copyrights assigned to the catalog, Somer could
22 have come to me with a stack of songwriter agreements and asked
23 me to sign them, but I might have asked questions or smelled
24 something rotten. So Somer had to trick me.

25 “After Murry found a buyer for the catalog, Somer drafted the
26 letter that all the Beach Boys were told to sign. Dated August 20,
27 1969, and addressed to Irving Music, it said that the songs
28 “authored by [the Beach Boys] have been assigned to Sea of Tunes
in accordance with normal practice in the publishing business . . .
[and] we acknowledge that we have executed songwriters'
agreements whereby all of our rights in and to the foregoing
musical compositions have been assigned to Sea of Tunes.”

“I had no idea what the hell that meant. So I asked my lawyer—
Abe Somer! He told me there was nothing I could do. He didn't
tell me that he had secretly planned this transaction for two years
and that he represented Irving Music. It was premeditated,
cunning, and diabolical. And in signing the letter, I gave away my
songs.

“What Mike Flynn told me deepened my contempt for Uncle
Murry. I knew he wanted to keep the Beach Boys a family band,
but I didn't realize that in his eyes, I was never part of the family.
When I later told my dad what happened, he said he wasn't
surprised. “I knew he was a crook,” he said. “He was always a

1 crook. But he didn't have it out for you. He had it out for me." I'm
2 sure he was right. Jealous of my dad, Murry wasn't going to let
3 the entitled son of his rich brother-in-law receive the credit, the
4 due, that he deserved. My uncle wanted the glory for his sons, and
5 through his duplicity he got it.

6 "Mike told me there was another part of the story. Recall, he said,
7 that Brian had signed the letter of August 20, 1969, that paved the
8 way for the catalog's sale. But I needed to read another document,
9 which said that on December 28, 1967, Somer incorporated the
10 catalog into the Sea of Tunes Publishing Company. Mike then
11 pulled out another file and showed me the minutes of a board
12 meeting, apparently the only one ever held by the Sea of Tunes
13 Publishing Company, and the meeting resolved that "the
14 liquidation and the distribution of [the company's] assets be
15 commenced as soon as practicable."

16 "It was a resolution to sell the catalog.

17 "Mike told me to look at the signatures.

18 "It was signed by the company's sole shareholder and director,
19 Murry Wilson, and by the directors, Audree Wilson and Brian
20 Wilson.

21 "Mike told me to look at the date.

22 "It was July 21, 1969, a full month before we signed the letter to
23 Irving Music. Brian had told me that his father had fucked us when
24 the catalog was sold, but Brian had signed the document to
25 commence the sale a full month before it actually happened. He
26 knew his father was trying to sell the catalog, and he approved it.

27 "Mike also said that in Brian's own suit against Irving Music, his
28 lawyers argued that Brian and Murry each had a 50 percent stake
in Sea of Tunes even before its incorporation in 1967, and Brian
was now bound by that. In other words, if Brian were a full partner
with his father, then all the fraud and deceit surrounding the
catalog must also be attributable to Brian. He could not escape
responsibility.

"Brian is just as culpable as Murry," Mike said.

"I put my head down in my hands."

REQUEST FOR PRODUCTION NO. 23:

Produce and identify for inspection and copying all documents of every nature and

description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach Boy" at p. 362:

"I needed some legal obstacles removed. Inside one of the temples, I stood next to a small fire, and with hundreds of priests chanting, I threw into the blaze almonds, chili peppers, and food grains. The goal is not to harm any of your adversaries but to evolve them to a more enlightened state, and it seemed fitting that the temple was equipped with its own choral effects. I loved the sound of the crackling flames, the chants, the invocations, the chorus of drums, bells, and gongs. These were harmonies of the spirit.

"On another occasion, back in the states, Mike Flynn and I visited the temple in Calabasas when he was taking depositions and had hit some roadblock. We asked Narasimha to chant the thousand names of Ganesha, the linking of the names expressing the belief in the glory of the deity. Narasimha did all the work. Mike and I just sat back and listened until the sounds washed over us. When we got back to our car and drove down the highway, it felt like we were floating."

REQUEST FOR PRODUCTION NO. 24:

Produce and identify for inspection and copying all documents of every nature and description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach Boy" at p. 362:

"The pretrial skirmishing dragged on for many months, in part because Brian's lawyers delayed or blocked access to documents. In February of 1994, Judge William J. Rea reopened discovery when Mike Flynn convinced him that documents had been suppressed. The judge also removed Brian's two lawyers, J. J. Little and Jim Tierney, for conflicts of interest, as their misconduct, acting on Brian's behalf, was part of the case. I didn't have the money to cover Mike's expenses, which included hiring a forensics expert to comb through Brian's computer, and Mike would ultimately spend about \$ 200,000 of his own cash just to keep the case going."

REQUEST FOR PRODUCTION NO. 25:

Produce and identify for inspection and copying all documents of every nature and

description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach Boy" at p. 364:

"Mike Flynn was my best man. He had recently deposed Brian for seventeen days, two hours a day, during which time Brian had admitted— to the dismay of his lawyers— that I had contributed lyrics to thirty-five contested songs. (We initially identified seventy-nine, but that number was too unwieldy.) Professional ethics prevented Mike Flynn from speaking to Brian at the wedding, but in his lengthy and very funny toast, he integrated lyrics from all thirty-five songs. Brian sat and listened to it in good humor and later told Carl how much he liked it. "

REQUEST FOR PRODUCTION NO. 26:

Produce and identify for inspection and copying all documents of every nature and description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach Boy" at p. 364 -365:

"The trial finally began on October 4, 1994, in United States District Court in Los Angeles, and what occurred over the next two months was the most comprehensive history of the Beach Boys ever assembled, in several thousand pages of testimony (including pretrial depositions) and documents (hearings, rulings, motions, contracts, exhibits, letters, interview transcripts, medical reports, boardroom minutes, and more). The jurors heard from Brian and me as well as Al, Bruce, David Marks, Marilyn, and various promoters, record company executives, lawyers, managers, and medical experts. Carl refused to appear in court, but he was deposed at length, and his testimony was read to the jurors."

REQUEST FOR PRODUCTION NO. 27:

Produce and identify for inspection and copying all documents of every nature and description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach Boy" at p. 366-367:

"When Al Jardine took the stand, Mike Flynn asked him what happened when he gave Brian "Sloop John B." "I arranged it in a fashion that I thought Brian would appreciate [and] that we could

possibly have as a Beach Boy song,” Al said. “I wrote it out for him and played it for him.”

“Al testified that to his surprise, Brian completed the song on his own, and it became a hit in America and around the world.

“Did you get credit?” Mike Flynn asked.

“No, I didn’t,” Al said. “No.”

“Brian, in his testimony, denied that Al helped him, but Al had no reason to perjure himself: he wasn’t a plaintiff in the case, he had nothing to gain financially, and the song itself wasn’t even being contested. But a pattern of behavior was established.”

REQUEST FOR PRODUCTION NO. 28:

Produce and identify for inspection and copying all documents of every nature and description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach Boy" at p. 369:

“It was an unusually bitter trial, a war within a family and a band, with lawyers thundering at one another at every turn.

“At one point, Judge Rea, who’d been on the bench for twenty-six years, said he had never had a trial in which the attorneys voiced—or yelled— so many objections. And now, out of nowhere, the voice of a child pierced the ramblings of his medicated namesake. I suddenly got emotional and started to well up. I headed for the exit, and Jacquelyne, lifting Brian, followed me to the door.

“Brian Wilson, continuing with his testimony, said, “It does sort of sound like a Mike Love– type of riff.”

REQUEST FOR PRODUCTION NO. 29:

Produce and identify for inspection and copying all documents of every nature and description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach Boy" at p. 369-370:

"In addition to all the testimony, the paper trail told a clear story of deception and complicity. Thanks to the forensic analysis of Brian’s computer, Mike Flynn had supplemented the documents

1 from the 1960s with Brian's diary entries from the late 1980s, and
 2 they contradicted the depiction of a mental incompetent. Rather,
 3 they showed that Brian was intimately involved in his case against
 4 Irving Music, following the direction of his counsel and seeking to
 maximize his financial gain. Noting the guidance that he had
 received from his lawyers, Brian wrote:

5 "“These kinds of questions were leading to the fact that if I was
 6 caught saying that I remember when I was told about Sea of
 7 Tunes, the statute of limitation would have started instantly.
 8 Anyway J.J. assured me that we couldn't get shafted if I answered
 the questions that J.J. and Jim had been teaching me . . . ***We are***
not talking about two million dollars. We are talking about forty
million dollars.” (Italics, bold, supplied)

9 **REQUEST FOR PRODUCTION NO. 30:**

10 Produce and identify for inspection and copying all documents of every nature and
 11 description, including but not limited to all electronic and digital files, relating to the following
 12 statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach
 13 Boy" at p.370:

14 "In other examples, Brian's own words undermined his credibility.
 15 When he was on the stand, Mike Flynn read for him an interview
 16 he did with Todd Gold, his collaborator on his memoir, regarding
 17 "California Girls." Brian said that he and I wrote the song but I
 never received credit.

18 GOLD: Why? Whose fault was that?

19 BRIAN: That was my fault.

20 GOLD: Why didn't you give him credit?

21 BRIAN: Because I forgot that he wrote it with me.

22 GOLD: Did you ever regret forgetting to give him credit?

23 BRIAN: Very much so, yes.

24 Gold asked why he hadn't given me credit since then.

25 BRIAN: I don't know. I keep fucking up. I keep forgetting to do
 26 it.' "

27 "He kept forgetting? If "California Girls" had been an obscure
 28 song, that might have been believable. But Brian himself described

1 it as the Beach Boys' "anthem." Every time he heard it, played it,
2 sang it, or saw the record itself, he was reminded that this was
3 fraud on vinyl."

4 **REQUEST FOR PRODUCTION NO. 31:**

5 Produce and identify for inspection and copying all documents of every nature and
6 description, including but not limited to all electronic and digital files, relating to the following
7 statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach
8 Boy" at p. 370 – 371:

9 "There were songwriter agreements in which my name had been
10 forged, and there were hidden letters and financial arrangements
11 among the lawyers. There was a lot of talk about suppression of
12 evidence and promissory fraud and breaches of contract, but
13 ultimately, after twenty-four days of testimony, the jurors had to
14 decide if Brian Wilson victimized me or was himself a victim of
15 his own frailties."

16 **REQUEST FOR PRODUCTION NO. 32:**

17 Produce and identify for inspection and copying all documents of every nature and
18 description, including but not limited to all electronic and digital files, relating to the following
19 statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach
20 Boy" at p. 371:

21 "Mike Flynn, in his closing argument, was equally unsparing
22 toward Brian: "The guy who wrote the songs"— me—" helps his
23 cousin for thirty years, supports him during that whole period of
24 time while at least a good percentage of that money that Mr. Love
25 is earning both from touring revenues and songwriter royalties . . .
26 a good portion of that money is being used for drugs by Brian
27 Wilson while Mr. Love is out working. And then they get his
28 cooperation in Wilson vs. A& M, and then they turn around after
they get the cooperation and use it against him . . . I submit to you,
ladies and gentlemen, when you think of what has happened here,
it is simply outrageous."

REQUEST FOR PRODUCTION NO. 33:

Produce and identify for inspection and copying all documents of every nature and
description, including but not limited to all electronic and digital files, relating to the following
statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach

1 Boy" at p. 372:

2 "After a lengthy summary of the misrepresentations and betrayals,
3 Mike Flynn concluded: "It has been a long two months . . . The
4 guy who did all the work and wrote the songs hasn't got anything .
5 . . So after you deliberate and consider all these items, all this
evidence, all this testimony, I am going to ask you to return a
verdict for this man because he deserves it. He wrote the songs."

6 **REQUEST FOR PRODUCTION NO. 34:**

7 Produce and identify for inspection and copying all documents of every nature and
8 description, including but not limited to all electronic and digital files, relating to the following
9 statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach

10 Boy" at p. 372:

11 "To reach a verdict, Brian's lawyers requested that jurors fill out a
12 twenty-five-page questionnaire— a typical request from a
13 defendant. The more that jurors have to consider, or the more
14 deeply they plunge into every piece of evidence, the greater the
possibility that doubt will creep in. (Plaintiffs prefer three-line
15 verdicts.) To Mike Flynn's dismay, I told him to accept those
instructions. I wanted jurors to consider all aspects of this case. I
16 wanted a long verdict as a document on the history of the Beach
Boys."

17 **REQUEST FOR PRODUCTION NO. 35:**

18 Produce and identify for inspection and copying all documents of every nature and
19 description, including but not limited to all electronic and digital files, relating to the following
20 statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach

21 Boy" at p. 372:

22 "The jurors began their deliberations on December 2. Though we
23 all knew what was at stake, I didn't feel nervous. I very much
believe in karma, which is a doctrine of universal truth. It basically
24 states that notwithstanding the machinations of man— and
regardless of the good or evil in the world— if you follow your
conscience, the universe will support the truth. Mike Flynn and I
25 talked about this at length. He knows a lot more about the legal
system than I do, so he was worried about how the jurors were
26 reacting to various arguments and rulings. At the same time, I was
taking hits in the press for my attempted "money grab." **But I**
27 **remained confident that if you follow what is true, the universe**
28 **will support it. I was at peace.**" (BOLD SUPPLIED).

REQUEST FOR PRODUCTION NO. 36:

Produce and identify for inspection and copying all documents of every nature and description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach Boy" at p. 372 -373:

“After ten days of deliberation, the jury returned with its “special verdict,” and Judge Rea, who at seventy-four was himself showing the stress of a long trial, looked right at Mike and me with a worn smile. Page by page, he read the verdict. The jurors ruled that I deserved credit on all thirty-five songs; that Brian and I were partners; that Brian or his agents concealed material facts with the intent to defraud me; that they engaged in promissory fraud regarding songwriting credits and royalties; and on and on it went.

“It was a clean-sweep victory. I hugged Jacquelyne and Mike, but there was no celebration, no cheering. I was vindicated but subdued. I was thinking about what came next. When I left the courthouse and faced the television cameras, I said that I hoped this case would allow Brian and me to put the past behind us so that we could write music again.”

REQUEST FOR PRODUCTION NO. 37:

Produce complete copies of the Defendants' signed tax returns (including all schedules, worksheets, form, addenda, etc. thereto) for years tax years 1990 through 2020.

REQUEST FOR PRODUCTION NO. 38:

Produce and identify all documents, memos, emails, notes, correspondence with the Defendants' bookkeepers, CPAs, accountants and the like concerning payment of expenses and/or fees related to the Plaintiffs and/or their claims from 1992 through 2020.

REQUEST FOR PRODUCTION NO. 39:

Produce and identify all documents related to all payments made by BRI to you since 1994.

REQUEST FOR PRODUCTION NO. 40:

Produce and identify all documents related to all songwriter agreements, publishing agreements, sub publishing agreements, publishing administrators, record contracts, licensing deals, public performances and agreements with Performing Rights Organizations domestically and abroad, by you individually or The Beach Boys between 1994 and the present.

REQUEST FOR PRODUCTION NO. 41:

Produce all photographs taken of Mike Love with any of the Plaintiffs.

REQUEST FOR PRODUCTION NO. 42:

Produce all credit card records for the period between July 1, 1992 and August 31, 1992.

REQUEST FOR PRODUCTION NO. 43:

Produce and identify all documents related to the Beach Boys and / or Mike Love touring schedule between July 1, 1992 and August 30, 1992.

REQUEST FOR PRODUCTION NO. 44:

Produce and identify all documents between the Defendants and the Ashley firm related to the Plaintiffs and /or their claims between January, 1992 and the present, including but not limited to all internal memos, emails, notes, correspondence, and digital recordings.

REQUEST FOR PRODUCTION NO. 45:

Produce and identify for inspection and copying any one or more specific documents in order to identify all employees, agents and attorneys for each of the Defendants between 1992 and the present.

REQUEST FOR PRODUCTION NO. 46:

Produce and identify all documents relating to all agreements between the Plaintiffs and the Defendants.

REQUEST FOR PRODUCTION NO. 47:

Produce and identify all documents relating to the *Wixen v. Spotify* lawsuit.

REQUEST FOR PRODUCTION NO. 48:

Produce and identify all documents relating to all negotiations, agreements, dealings, and involvement with BMG, its agents, attorneys and employees by you and your agents, attorneys and employees, which in any way relate to the 35 songs recovered by the Plaintiffs in the Special Verdict.

REQUEST FOR PRODUCTION NO. 49:

Produce and identify all Bank Statements for any account of any of the Defendants, their

agents, employees or others into which moneys were deposited relating to any songwriter royalties received by any of the Defendants, between 1990 and the present, including any and all payments or transfers between any accounts of the Defendants.

REQUEST FOR PRODUCTION NO. 50:

Produce and identify all documents relating to the 35 songs in the Special Verdict.

REQUEST FOR PRODUCTION NO. 51:

Produce and identify all documents executed, negotiated or agreed upon between the Defendants to transfer, distribute, hold in trust, convey or make payment in connection with any of the 35 songs, reversion rights, and / or any all rights relating to said songs or moneys or assets related to said songs.

REQUEST FOR PRODUCTION NO. 52:

Produce and identify all documents filed in any court or provided to any third party in which the third party is not covered by any privileged communications relating to marital conflicts between Michael Love and Jacquelyne Piesen Love.

REQUEST FOR PRODUCTION NO. 53:

Please identify all attorneys in connection with which Michael Love or Jacquelyne Piesen Love have sought advice concerning their marriage.

REQUEST FOR PRODUCTION NO. 54:

Please produce and identify all documents relating to the 35 songs which identify all accountants, attorneys, individuals and entities that have been or are presently involved in any capacity with the collection, and/or administration, and / or distribution of any and all songwriter royalties between 1990 and the present.

1
2
3 Dated February 10, 2020.

4 Respectfully submitted

5 /s/ Michael J. Flynn

6 Michael J. Flynn, Pro Se

7
8 /s/Philip H. Stillman

9 Philip H. Stillman, Pro Se
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Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL J. FLYNN, and PHILIP
STILLMAN,

Plaintiffs,

v.

MICHAEL E. LOVE, an individual; and
JACQUELYNE LOVE, an individual;
MICHAEL E. LOVE as TRUSTEE OF THE
MICHAEL LOVE FAMILY TRUST;
MELECO, INC., a Nevada corporation; and
DOES 1-10,

Defendants.

Case No.: 3:19-cv-239-MMD-CLB

**DEFENDANTS' AMENDED RESPONSES
TO PLAINTIFFS' FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS**

PROPOUNDING PARTIES: Plaintiffs

RESPONDING PARTY: Defendants

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendants Michael Love, individually and as the Trustee of the Michael E. Love Family Trust, Jacquelyne Love, and Meleco, Inc., (“Defendants”) hereby amend their responses to Plaintiffs’ First Set of Requests for Production of Documents as follows:

PRELIMINARY STATEMENT

Discovery and investigation are continuing. Defendants reserve the right to amend or supplement these responses as additional information and documents become available. Any agreement by Defendants to produce responsive documents does not mean that such documents exist. Rather, such agreement means only that Defendants will make a diligent search and reasonable inquiry to locate any such documents in Defendants’ possession, custody or control, and produce them if they are obtained. Defendants reserve the right to produce any document it agrees to produce pursuant to the Protective Order in this case.

Defendants will produce documents responsive to these Requests on a rolling basis. If a document to be produced is responsive to more than one Request, it will be produced only once.

This preliminary statement is incorporated by reference into each of the responses below as though set forth in full therein.

AMENDED GENERAL OBJECTIONS

Defendants assert the following general objections (“General Objections”) to each and every one of the document requests contained in the Requests, where applicable. The General Objections may or may not be reasserted after each specific document request. The assertion of the same, similar or additional objections to each specific document request, or the failure to assert any additional objection to each specific document request does not waive or alter the General Objections immediately set forth below:

1. Defendants object to the Requests to the extent that they seek the production of documents and information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, the joint defense privilege, the common interest privilege, and/or information prepared in anticipation of litigation.

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2. Defendants object to the Requests to the extent that they seek the production of documents and information that are proprietary and/or confidential. Such documents will only be produced subject to the Protective Order.

3. Defendants object to the Requests to the extent that they are vague and/or ambiguous.

4. Defendants object to the Requests to the extent that they are overly broad and/or unduly burdensome.

5. Defendants object to the Requests to the extent that they seek documents and information already within plaintiff's and/or his representative's or agent's possession, custody or control and/or not in Defendants' possession, custody or control. Defendants further objects to the Requests to the extent they seek information or documents that are not in Defendants' possession, custody, or control, not known or reasonably available to Defendants, not ascertainable by means of a reasonably diligent search, not maintained by Defendants in the normal course of business, or no longer maintained by Defendants.

6. Defendants object to the Requests to the extent that they seek documents and information that are publicly available.

7. Defendants object to the Requests to the extent that they seek documents and information that are neither relevant to any of the claims or defenses in this action nor are reasonably calculated to lead to the discovery of admissible or relevant evidence.

8. Defendants object to the Requests to the extent that they do not allow for a reasonable time for the document search.

9. Defendants object to the Requests to the extent that they purport to impose obligations on Defendants beyond those set forth in the Federal Rules of Civil Procedure and/or the Local Rules of the United States District Court for the District of Nevada.

10. As used herein, the term "Claims" shall mean Plaintiffs' claims asserted in Plaintiffs' Third Amended Complaint (ECF No. 50). Defendants maintain that Plaintiffs' Claims are improper under the law and should be dismissed. Defendants responses herein are expressly subject to and without waiver of any and all affirmative defenses.

11. As used herein, the term “35 Songs” refers to the 35 Beach Boys songs that were the subject of the litigation and settlement agreement in *Love v. Wilson*.

Subject to and without waiver of the foregoing General Objections, Defendants respond as follows:

RESPONSES TO FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

Produce and identify for inspection and copying the originals, or original copies of all, memos, correspondence, letters, reports, notes, and documents of every nature and description, relating to the subject matter of the Abraham Somer conflict of interest in connection with the sale of the Sea of Tunes catalog of songs in 1969, sent to or received by you, your agents, employees, attorneys and others from John Branca, and / or his law office between January, 1982 and December 31, 1995.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case.

1 Subject to, and without waiving, the foregoing general and specific objections, and based
 2 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 3 Defendants stand on their objections and will not be producing the requested documents.

4 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

5 Defendants object to the definition of “identify” as used in this request, which purports to
 6 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
 7 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
 8 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
 9 the case. Defendants further object to the request to the extent it seeks information not reasonably
 10 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 11 extent it purports to seek documents or information protected from disclosure by the attorney-
 12 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 13 any other applicable privilege or protections, and to the extent it purports to seek documents or
 14 information protected from disclosure by the right to privacy under the United States, California,
 15 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 16 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 17 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 18 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 19 relation to the reasonable needs of the case.

20 Subject to, and without waiving, the foregoing general and specific objections, and based
 21 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 22 Defendants will produce documents that are not privileged, that are relevant to Plaintiffs’ Claims,
 23 and that are otherwise unobjectionable responsive documents located through a reasonable search
 24 and that are in Defendants’ possession, custody, or control, if the same exist.

25 **REQUEST FOR PRODUCTION NO. 2:**

26 Produce and identify for inspection and copying the originals, or original copies, of all,
 27 memos, correspondence, letters, reports, notes, and documents of every nature and description,
 28 relating to the subject matter of the Abraham Somer conflict of interest in connection with the

1 sale of the Sea of Tunes catalog of songs in 1969, sent to or received by you from Robert Kory,
2 and / or his law office, between January 1982 and December 31, 1995.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

4 Defendants object to the definition of “identify” as used in this request, which purports to
5 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
6 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
7 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
8 the case. Defendants further object to the request to the extent it seeks information not reasonably
9 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
10 extent it purports to seek documents or information protected from disclosure by the attorney-
11 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
12 any other applicable privilege or protections, and to the extent it purports to seek documents or
13 information protected from disclosure by the right to privacy under the United States, California,
14 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
15 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
16 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
17 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
18 relation to the reasonable needs of the case.

19 Subject to, and without waiving, the foregoing general and specific objections, and based
20 upon a reasonable construction of the scope of this request, Defendants respond as follows:
21 Defendants stand on their objections and will not be producing the requested documents.

22 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

23 Defendants object to the definition of “identify” as used in this request, which purports to
24 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
25 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
26 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
27 the case. Defendants further object to the request to the extent it seeks information not reasonably
28 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the

1 extent it purports to seek documents or information protected from disclosure by the attorney-
 2 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 3 any other applicable privilege or protections, and to the extent it purports to seek documents or
 4 information protected from disclosure by the right to privacy under the United States, California,
 5 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 6 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 7 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 8 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 9 relation to the reasonable needs of the case.

10 Subject to, and without waiving, the foregoing general and specific objections, and based
 11 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 12 Defendants will produce documents that are not privileged, that are relevant to Plaintiffs' Claims,
 13 and that are otherwise unobjectionable responsive documents located through a reasonable search
 14 and that are in Defendants' possession, custody, or control, if the same exist.

15 **REQUEST FOR PRODUCTION NO. 3:**

16 Produce and identify for inspection and copying the originals, or original copies, of all,
 17 memos, correspondence, letters, reports, notes, and documents of every nature and description,
 18 relating to the subject matter of the Abraham Somer conflict of interest in connection with the
 19 sale of the Sea of Tunes catalog of songs in 1969, sent to or received by you from Harry
 20 Hathaway, and / or his law office, between January, 1982 and the present.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3**

22 Defendants object to the definition of "identify" as used in this request, which purports to
 23 require Defendants to state the "type of each such document (e.g., letter memoranda, telephone
 24 message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . .
 25 [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of
 26 the case. Defendants further object to the request to the extent it seeks information not reasonably
 27 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 28 extent it purports to seek documents or information protected from disclosure by the attorney-

1 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 2 any other applicable privilege or protections, and to the extent it purports to seek documents or
 3 information protected from disclosure by the right to privacy under the United States, California,
 4 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 5 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 6 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 7 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 8 relation to the reasonable needs of the case.

9 Subject to, and without waiving, the foregoing general and specific objections, and based
 10 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 11 Defendants stand on their objections and will not be producing the requested documents.

12 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 3**

13 Defendants object to the definition of “identify” as used in this request, which purports to
 14 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
 15 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
 16 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
 17 the case. Defendants further object to the request to the extent it seeks information not reasonably
 18 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 19 extent it purports to seek documents or information protected from disclosure by the attorney-
 20 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 21 any other applicable privilege or protections, and to the extent it purports to seek documents or
 22 information protected from disclosure by the right to privacy under the United States, California,
 23 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 24 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 25 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 26 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 27 relation to the reasonable needs of the case.

1 Subject to, and without waiving, the foregoing general and specific objections, and based
 2 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 3 Defendants will produce documents that are not privileged, that are relevant to Plaintiffs' Claims,
 4 and that are otherwise unobjectionable responsive documents located through a reasonable search
 5 and that are in Defendants' possession, custody, or control, if the same exist.

6 **REQUEST FOR PRODUCTION NO. 4:**

7 Produce and identify for inspection and copying the originals or original copies of the
 8 February 19, 1985 letter, relating to the subject matter of the Abraham Somer conflict of interest
 9 in connection with the sale of the Sea of Tunes catalog of songs, sent to you or received by you
 10 from John Branca, and / or his law office; and / or sent to you by Robert Kory; and / or Harry
 11 Hathaway.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4**

13 Defendants object to the definition of "identify" as used in this request, which purports to
 14 require Defendants to state the "type of each such document (e.g., letter memoranda, telephone
 15 message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . .
 16 [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of
 17 the case. Defendants further object to the request to the extent it seeks information not reasonably
 18 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 19 extent it purports to seek documents or information protected from disclosure by the attorney-
 20 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 21 any other applicable privilege or protections, and to the extent it purports to seek documents or
 22 information protected from disclosure by the right to privacy under the United States, California,
 23 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 24 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 25 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 26 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 27 relation to the reasonable needs of the case.
 28

1 Subject to, and without waiving, the foregoing general and specific objections, and based
 2 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 3 Defendants stand on their objections and will not be producing the requested documents.

4 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 4**

5 Defendants object to the definition of “identify” as used in this request, which purports to
 6 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
 7 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
 8 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
 9 the case. Defendants further object to the request to the extent it seeks information not reasonably
 10 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 11 extent it purports to seek documents or information protected from disclosure by the attorney-
 12 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 13 any other applicable privilege or protections, and to the extent it purports to seek documents or
 14 information protected from disclosure by the right to privacy under the United States, California,
 15 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 16 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 17 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 18 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 19 relation to the reasonable needs of the case.

20 Subject to, and without waiving, the foregoing general and specific objections, and based
 21 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 22 Defendants will produce documents that are not privileged, that are relevant to Plaintiffs’ Claims,
 23 and that are otherwise unobjectionable responsive documents located through a reasonable search
 24 and that are in Defendants’ possession, custody, or control, if the same exist.

25 **REQUEST FOR PRODUCTION NO. 5:**

26 Produce and identify for inspection and copying the originals, or original copies of all
 27 correspondence, notes, memos, and documents of every nature and description, relating to the
 28 subject matter of the Abraham Somer conflict of interest in connection with the sale of the Sea of

1 Tunes catalog of songs in 1969, sent to you or received by you from Elliott Lott and / or the
2 agents, employees, Directors, shareholders of Brother Records, Inc.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5**

4 Defendants object to the definition of “identify” as used in this request, which purports to
5 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
6 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
7 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
8 the case. Defendants further object to the request to the extent it seeks information not reasonably
9 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
10 extent it purports to seek documents or information protected from disclosure by the attorney-
11 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
12 any other applicable privilege or protections, and to the extent it purports to seek documents or
13 information protected from disclosure by the right to privacy under the United States, California,
14 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
15 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
16 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
17 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
18 relation to the reasonable needs of the case.

19 Subject to, and without waiving, the foregoing general and specific objections, and based
20 upon a reasonable construction of the scope of this request, Defendants respond as follows:
21 Defendants stand on their objections and will not be producing the requested documents.

22 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 5**

23 Defendants object to the definition of “identify” as used in this request, which purports to
24 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
25 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
26 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
27 the case. Defendants further object to the request to the extent it seeks information not reasonably
28 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the

1 extent it purports to seek documents or information protected from disclosure by the attorney-
 2 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 3 any other applicable privilege or protections, and to the extent it purports to seek documents or
 4 information protected from disclosure by the right to privacy under the United States, California,
 5 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 6 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 7 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 8 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 9 relation to the reasonable needs of the case.

10 Subject to, and without waiving, the foregoing general and specific objections, and based
 11 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 12 Defendants will produce documents that are not privileged, that are relevant to Plaintiffs' Claims,
 13 and that are otherwise unobjectionable responsive documents located through a reasonable search
 14 and that are in Defendants' possession, custody, or control, if the same exist.

15 **REQUEST FOR PRODUCTION NO. 6:**

16 Produce and identify for inspection and copying the originals, or original copies of the
 17 Report and / or documents prepared by the attorney(s) retained by John Branca and / or Brother
 18 Records, Inc., referenced in Branca's February 19, 1985 letter, relating to an investigation into the
 19 subject matter of the Abraham Somer conflict of interest in connection with the sale of the Sea of
 20 Tunes catalog of songs in 1969, sent to you or received by you from John Branca, and / or his law
 21 office, and / or from Robert Kory and / or his law office, and / or from Harry Hathaway and his
 22 law office; and / or from any agent, employee, Director or shareholder of Brother Records, Inc.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6**

24 Defendants object to the definition of "identify" as used in this request, which purports to
 25 require Defendants to state the "type of each such document (e.g., letter memoranda, telephone
 26 message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . .
 27 [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of
 28 the case. Defendants further object to the request to the extent it seeks information not reasonably

1 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 2 extent it purports to seek documents or information protected from disclosure by the attorney-
 3 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 4 any other applicable privilege or protections, and to the extent it purports to seek documents or
 5 information protected from disclosure by the right to privacy under the United States, California,
 6 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 7 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 8 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 9 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 10 relation to the reasonable needs of the case.

11 Subject to, and without waiving, the foregoing general and specific objections, and based
 12 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 13 Defendants stand on their objections and will not be producing the requested documents.

14 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 6**

15 Defendants object to the definition of “identify” as used in this request, which purports to
 16 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
 17 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
 18 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
 19 the case. Defendants further object to the request to the extent it seeks information not reasonably
 20 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 21 extent it purports to seek documents or information protected from disclosure by the attorney-
 22 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 23 any other applicable privilege or protections, and to the extent it purports to seek documents or
 24 information protected from disclosure by the right to privacy under the United States, California,
 25 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 26 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 27 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 28

1 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
2 relation to the reasonable needs of the case.

3 Subject to, and without waiving, the foregoing general and specific objections, and based
4 upon a reasonable construction of the scope of this request, Defendants respond as follows:
5 Defendants will produce documents that are not privileged, that are relevant to Plaintiffs' Claims,
6 and that are otherwise unobjectionable responsive documents located through a reasonable search
7 and that are in Defendants' possession, custody, or control, if the same exist.

8 **REQUEST FOR PRODUCTION NO. 7:**

9 Produce and identify for inspection and copying the originals, or original copies of all
10 documents in the possession of Jacquelyne Piesen Love or Michael E. Love relating to the subject
11 matter of the Abraham Somer conflict of interest in connection with the sale of the Sea of Tunes
12 catalog of songs in 1969

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7**

14 Defendants object to the definition of "identify" as used in this request, which purports to
15 require Defendants to state the "type of each such document (e.g., letter memoranda, telephone
16 message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . .
17 [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of
18 the case. Defendants further object to the request to the extent it seeks information not reasonably
19 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
20 extent it purports to seek documents or information protected from disclosure by the attorney-
21 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
22 any other applicable privilege or protections, and to the extent it purports to seek documents or
23 information protected from disclosure by the right to privacy under the United States, California,
24 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
25 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
26 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
27 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
28 relation to the reasonable needs of the case.

1 Subject to, and without waiving, the foregoing general and specific objections, and based
 2 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 3 Defendants stand on their objections and will not be producing the requested documents.

4 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 7**

5 Defendants object to the definition of “identify” as used in this request, which purports
 6 to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
 7 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
 8 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
 9 the case. Defendants further object to the request to the extent it seeks information not reasonably
 10 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 11 extent it purports to seek documents or information protected from disclosure by the attorney-
 12 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 13 any other applicable privilege or protections, and to the extent it purports to seek documents or
 14 information protected from disclosure by the right to privacy under the United States, California,
 15 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 16 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 17 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 18 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 19 relation to the reasonable needs of the case.

20 Subject to, and without waiving, the foregoing general and specific objections, and based
 21 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 22 Defendants will produce documents that are not privileged, that are relevant to Plaintiffs’ Claims,
 23 and that are otherwise unobjectionable responsive documents located through a reasonable search
 24 and that are in Defendants’ possession, custody, or control, if the same exist.

25 **REQUEST FOR PRODUCTION NO. 8:**

26 Produce and identify for inspection and copying the originals, or original copies, of all
 27 documents in the possession of Jacquelyne Piesen Love or Michael E. Love, relating to the
 28 subject matter of the Abraham Somer conflict of interest in connection with the sale of the Sea of

1 Tunes catalog in 1969, which either of you have provided to the law firm of Greenberg Traurig,
2 and/or any other individual.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8**

4 Defendants object to the definition of “identify” as used in this request, which purports to
5 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
6 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
7 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
8 the case. Defendants further object to the request to the extent it seeks information not reasonably
9 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
10 extent it purports to seek documents or information protected from disclosure by the attorney-
11 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
12 any other applicable privilege or protections, and to the extent it purports to seek documents or
13 information protected from disclosure by the right to privacy under the United States, California,
14 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
15 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
16 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
17 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
18 relation to the reasonable needs of the case.

19 Subject to, and without waiving, the foregoing general and specific objections, and based
20 upon a reasonable construction of the scope of this request, Defendants respond as follows:
21 Defendants stand on their objections and will not be producing the requested documents.

22 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 8**

23 Defendants object to the definition of “identify” as used in this request, which purports to
24 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
25 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
26 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
27 the case. Defendants further object to the request to the extent it seeks information not reasonably
28 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the

1 extent it purports to seek documents or information protected from disclosure by the attorney-
 2 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 3 any other applicable privilege or protections, and to the extent it purports to seek documents or
 4 information protected from disclosure by the right to privacy under the United States, California,
 5 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 6 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 7 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 8 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 9 relation to the reasonable needs of the case.

10 Subject to, and without waiving, the foregoing general and specific objections, and based
 11 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 12 Defendants will produce documents that are not privileged, that are relevant to Plaintiffs' Claims,
 13 and that are otherwise unobjectionable responsive documents located through a reasonable search
 14 and that are in Defendants' possession, custody, or control, if the same exist.

15 **REQUEST FOR PRODUCTION NO. 9:**

16 Produce and identify for inspection and copying the originals, or original copies of all
 17 documents, electronic recordings, files, and materials in your possession from the files and
 18 documents of Michael J. Flynn, Philip Stillman, Carla DiMare and/or the law firm of Flynn,
 19 Sheridan, Tabb and Stillman.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9**

21 Defendants object to the definition of "identify" as used in this request, which purports to
 22 require Defendants to state the "type of each such document (e.g., letter memoranda, telephone
 23 message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . .
 24 [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of
 25 the case. Defendants further object to the request to the extent it seeks information not reasonably
 26 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 27 extent it purports to seek documents or information protected from disclosure by the attorney-
 28 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or

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any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants further object to the extent this request assumes that Defendants are in possession of files that belong to the individuals and/or entities listed in the request.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants will produce documents that are not privileged, that are relevant to Plaintiffs' Contract-Based Claims, and that are otherwise unobjectionable responsive documents located through a reasonable search and that are in Defendants' possession, custody, or control, if the same exist.

AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 9

Defendants object to the definition of "identify" as used in this request, which purports to require Defendants to state the "type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . . [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what

documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants further object to the extent this request assumes that Defendants are in possession of files that belong to the individuals and/or entities listed in the request.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants will produce documents that are not privileged, that are relevant to Plaintiffs' Claims, and that are otherwise unobjectionable responsive documents located through a reasonable search and that are in Defendants' possession, custody, or control, if the same exist.

REQUEST FOR PRODUCTION NO. 10:

Produce and identify for inspection and copying all originals, or copies of originals, of all documents, memos, electronic data, electronic files, or documents of every nature and description from the files, records and documents of Robert Kory provided to you or to Harry Hathaway, and / or received by you from Kory or Hathaway, relating to any and all matters involving the representation by the Plaintiffs in the cases of Michael E. Love v Irving Music, and Brian Wilson; and Brian Wilson v Irving Music.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10

Defendants object to the definition of "identify" as used in this request, which purports to require Defendants to state the "type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . . [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California,

1 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 2 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 3 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 4 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 5 relation to the reasonable needs of the case.

6 Subject to, and without waiving, the foregoing general and specific objections, and based
 7 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 8 Defendants will produce documents that are not privileged, that are relevant to Plaintiffs'
 9 Contract-Based Claims, and that are otherwise unobjectionable responsive documents located
 10 through a reasonable search and that are in Defendants' possession, custody, or control, if the
 11 same exist.

12 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 10**

13 Defendants object to the definition of "identify" as used in this request, which purports to
 14 require Defendants to state the "type of each such document (e.g., letter memoranda, telephone
 15 message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . .
 16 [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of
 17 the case. Defendants further object to the request to the extent it seeks information not reasonably
 18 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 19 extent it purports to seek documents or information protected from disclosure by the attorney-
 20 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 21 any other applicable privilege or protections, and to the extent it purports to seek documents or
 22 information protected from disclosure by the right to privacy under the United States, California,
 23 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 24 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 25 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 26 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 27 relation to the reasonable needs of the case.
 28

1 Subject to, and without waiving, the foregoing general and specific objections, and based
 2 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 3 Defendants will produce documents that are not privileged, that are relevant to Plaintiffs' Claims,
 4 and that are otherwise unobjectionable responsive documents located through a reasonable search
 5 and that are in Defendants' possession, custody, or control, if the same exist.

6 **REQUEST FOR PRODUCTION NO. 11:**

7 Produce and identify for inspection and copying the originals, or original copies of all
 8 documents, electronic recordings, files, and materials in your possession from the cases of Love v
 9 Irving Music, Brian Wilson, Abraham Somer; and from the case of Wilson v Irving Music,
 10 Abraham Somer.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

12 Defendants object to the definition of "identify" as used in this request, which purports to
 13 require Defendants to state the "type of each such document (e.g., letter memoranda, telephone
 14 message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . .
 15 [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of
 16 the case. Defendants further object to the request to the extent it seeks information not reasonably
 17 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 18 extent it purports to seek documents or information protected from disclosure by the attorney-
 19 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 20 any other applicable privilege or protections, and to the extent it purports to seek documents or
 21 information protected from disclosure by the right to privacy under the United States, California,
 22 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 23 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 24 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 25 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 26 relation to the reasonable needs of the case. Defendants further object to this request to the extent
 27 it seeks publicly-filed information and/or information that is accessible to Plaintiffs as readily and
 28 easily as it is to Defendants.

1 Subject to, and without waiving, the foregoing general and specific objections, and based
 2 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 3 Defendants will produce documents that are not privileged, that are relevant to Plaintiffs'
 4 Contract-Based Claims, and that are otherwise unobjectionable responsive documents located
 5 through a reasonable search and that are in Defendants' possession, custody, or control, if the
 6 same exist.

7 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

8 Defendants object to the definition of "identify" as used in this request, which purports to
 9 require Defendants to state the "type of each such document (e.g., letter memoranda, telephone
 10 message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . .
 11 [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of
 12 the case. Defendants further object to the request to the extent it seeks information not reasonably
 13 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 14 extent it purports to seek documents or information protected from disclosure by the attorney-
 15 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 16 any other applicable privilege or protections, and to the extent it purports to seek documents or
 17 information protected from disclosure by the right to privacy under the United States, California,
 18 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 19 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 20 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 21 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 22 relation to the reasonable needs of the case. Defendants further object to this request to the extent
 23 it seeks publicly-filed information and/or information that is accessible to Plaintiffs as readily and
 24 easily as it is to Defendants.

25 Subject to, and without waiving, the foregoing general and specific objections, and based
 26 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 27 Defendants will produce documents that are not privileged, that are relevant to Plaintiffs' Claims,
 28

1 and that are otherwise unobjectionable responsive documents located through a reasonable search
 2 and that are in Defendants' possession, custody, or control, if the same exist.

3 **REQUEST FOR PRODUCTION NO. 12:**

4 Produce and identify for inspection and copying all accounting records in your possession
 5 relating to any and all accounting and / or financial matters relating to Michael Flynn and/or the
 6 law firm of Flynn, Sheridan, Tabb & Stillman.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

8 Defendants object to the definition of "identify" as used in this request, which purports to
 9 require Defendants to state the "type of each such document (e.g., letter memoranda, telephone
 10 message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . .
 11 [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of
 12 the case. Defendants further object to the request to the extent it seeks information not reasonably
 13 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 14 extent it purports to seek documents or information protected from disclosure by the attorney-
 15 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 16 any other applicable privilege or protections, and to the extent it purports to seek documents or
 17 information protected from disclosure by the right to privacy under the United States, California,
 18 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 19 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 20 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 21 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 22 relation to the reasonable needs of the case.

23 Subject to, and without waiving, the foregoing general and specific objections, and based
 24 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 25 Defendants will produce responsive documents that are not privileged, that are relevant to
 26 Plaintiffs' Contract-Based Claims, and that are otherwise unobjectionable, and which are located
 27 through a reasonable search, that are in Defendants' possession, custody, or control, if the same
 28 exist.

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AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants will produce responsive documents that are not privileged, that are relevant to Plaintiffs’ Claims, and that are otherwise unobjectionable, and which are located through a reasonable search, that are in Defendants’ possession, custody, or control, if the same exist.

REQUEST FOR PRODUCTION NO. 13:

Produce and identify for inspection and copying all documents of every nature and description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach Boy” at p. 374:

“Frankly, I had no idea how much money I was being ripped off each year. Before the trial, I was receiving about \$75,000 a year in songwriter royalties. After the trial, the amount jumped to over a \$1 million a year.” (BOLD SUPPLIED)

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants object to this request as it seeks all documents of every nature and description “relating” to a narrative statement written by a third-party, without specification and as such requires guesswork, is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: To the extent this request seeks the production of documents demonstrating the payment of songwriter royalties to Defendant Michael Love, Defendants will produce responsive documents that are not privileged, that are relevant to Plaintiffs’ Contract-Based Claims, and that are otherwise unobjectionable, and which are located through a reasonable search, that are in Defendants’ possession, custody, or control, if the same exist. Defendants are otherwise unable to respond to this request as written and thus stand on their objections.

AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants object to this request as it seeks all documents of every nature and description “relating” to a narrative statement written by a third-party, without specification and as such requires guesswork, is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: To the extent this request seeks the production of documents demonstrating the payment of songwriter royalties to Defendant Michael Love for the 35 Songs, Defendants will produce responsive documents that are not privileged, that are relevant to Plaintiffs’ Claims, and that are otherwise unobjectionable, and which are located through a reasonable search, that are in Defendants’ possession, custody, or control, if the same exist. Defendants are otherwise unable to respond to this request as written and thus stand on their objections.

REQUEST FOR PRODUCTION NO. 14:

Produce and identify for inspection and copying all state and federal tax returns, and/or portions thereof, or schedules and work papers, for the years 1992 through 2000, relating to the statement above in Request No. 13, and relating to the following statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach Boy” at p. 373:

“The case wasn’t over yet. The trial established Brian’s liability, but a second trial would determine damages. The enduring popularity of the songs, which included seven Top 10 hits, left Brian badly exposed. To determine lost royalties or compensatory damages, Mike Flynn analyzed the past financial records of Capitol Records and Irving Music and estimated I had lost between \$ 18 million and \$ 22 million. To determine the value of the actual copyright, Mike was going to have experts testify that it was worth between \$ 40 million and \$ 100 million. And because Brian was guilty on multiple counts of fraud, Mike was going to ask for punitive damages, which— if awarded— would have been ten times the compensatory damages.”

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is compound and incorporates and duplicates other Requests to Produce (e.g., Nos. 13 and 37) such that it is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants object to this request as it seeks all

documents of every nature and description “relating” to a narrative statement written by a third-party, without specification and as such requires guesswork, is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants are unable to respond to this request as written and thus stand on their objections.

AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is compound and incorporates and duplicates other Requests to Produce (e.g., Nos. 13 and 37) such that it is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants object to this request as it seeks all documents of every nature and description “relating” to a narrative statement written by a third-party, without specification and as such requires guesswork, is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: To the

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1 extent this request seeks the production of documents demonstrating facts as to the value of
 2 Defendant Michael Love's claims asserted in the *Love v. Wilson* litigation, Defendants will
 3 produce responsive documents that are not privileged, that are relevant to Plaintiffs' Claims, and
 4 that are otherwise unobjectionable, and which are located through a reasonable search, that are in
 5 Defendants' possession, custody, or control, if the same exist. To the extent this Request seeks
 6 production of documents related to opinions expressed in the quoted excerpt, Defendants are
 7 otherwise unable to respond to this request as written and thus stand on their objections. To the
 8 extent this Request seeks production of all tax returns from 1992 through 2000, Plaintiffs have
 9 failed to show how each of the four individual defendants' tax returns are relevant to the claims
 10 and defenses at issue in this litigation. Further, courts accord greater privacy protections to a
 11 party's tax records, and Plaintiffs have failed to demonstrate why Defendants' tax returns are
 12 necessary and/or why the information sought cannot be obtained from another source. Defendants
 13 stand on their objections and will not be producing tax returns.

14 **REQUEST FOR PRODUCTION NO. 15:**

15 Produce and identify for inspection and copying all documents of every nature and
 16 description, including but not limited to all electronic and digital files, relating to the following
 17 statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach Boy"
 18 at p. 341-342:

19 "Tom Hulett, our manager, would have drinks with Landy as a way to keep the door
 20 open with my cousin, and in 1986, Landy told Tom that Brian was going to sue
 21 Irving Music, the parent of A&M Records, whose Almo/Irving publishing arm
 bought the Sea of Tunes catalog in 1969 for \$700,000. According to Landy, Brian
 was going to win back his publishing rights, and he, Landy, was driving the case.

22 "One of Brian's representatives called me to discuss the suit, and on December 5,
 23 1986, my lawyer, Robert Kory, and I met with Brian's attorneys, John Mason and
 24 Jim Tierney. They said they believed they could reverse the sale. Even though it had
 occurred seventeen years earlier, they said mental incompetency could overturn the
 statute of limitations, and they were going to argue that Brian was mentally
 incompetent at the time."

25 "On December 22, 1986, just a few weeks after we had met with Brian's lawyers,
 26 they sent me a letter confirming what we had discussed, including that I would
 27 receive a third of any proceeds from their suit."
 28

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants object to this request as it seeks all documents of every nature and description “relating” to a narrative statement written by a third-party, without specification and as such requires guesswork, is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants are unable to respond to this request as written and thus stand on their objections.

AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably

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1 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 2 extent it purports to seek documents or information protected from disclosure by the attorney-
 3 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 4 any other applicable privilege or protections, and to the extent it purports to seek documents or
 5 information protected from disclosure by the right to privacy under the United States, California,
 6 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 7 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 8 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 9 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 10 relation to the reasonable needs of the case. Defendants object to this request as it seeks all
 11 documents of every nature and description “relating” to a narrative statement written by a third-
 12 party, without specification and as such requires guesswork, is vague, ambiguous, overbroad,
 13 unduly burdensome, and disproportionate to the needs of the case.

14 Subject to, and without waiving, the foregoing general and specific objections, and based
 15 upon a reasonable construction of the scope of this request, Defendants respond as follows: To the
 16 extent this request seeks the production of documents demonstrating facts as to the value of
 17 Defendant Michael Love’s claims asserted in the *Love v. Wilson* litigation, Defendants will produce
 18 responsive documents that are not privileged, that are relevant to Plaintiffs’ Claims, and that are
 19 otherwise unobjectionable, and which are located through a reasonable search, that are in
 20 Defendants’ possession, custody, or control, if the same exist. To the extent this Request seeks
 21 production of documents related to opinions expressed in the quoted excerpt, Defendants are
 22 otherwise unable to respond to this request as written and thus stand on their objections.

23 **REQUEST FOR PRODUCTION NO. 16:**

24 Produce and identify for inspection and copying all documents of every nature and
 25 description, including but not limited to all electronic and digital files, relating to the following
 26 statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach Boy”
 27 at p. 373-374:

28 “Brian was facing potential damages of between \$58 million and \$342
 million – almost certainly the largest case of fraud in music history.

“By accepting a fraction of what I could have collected, I cost Mike Flynn millions of dollars in contingency fees, every penny of which he earned. But he never pushed me to get more money, nor did he ever waver in a case that became a three year crusade. With all due respect to Bobby Hatfield and Bill Medley, Mike Flynn is the ultimate Righteous Brother.”

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants object to this request as it seeks all documents of every nature and description “relating” to a narrative statement written by a third-party, without specification and as such requires guesswork, is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants are unable to respond to this request as written and thus stand on their objections.

AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Defendants object to the definition of “identify” as used in this request, which purports to

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1 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
 2 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
 3 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
 4 the case. Defendants further object to the request to the extent it seeks information not reasonably
 5 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 6 extent it purports to seek documents or information protected from disclosure by the attorney-
 7 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 8 any other applicable privilege or protections, and to the extent it purports to seek documents or
 9 information protected from disclosure by the right to privacy under the United States, California,
 10 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 11 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 12 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 13 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 14 relation to the reasonable needs of the case. Defendants object to this request as it seeks all
 15 documents of every nature and description “relating” to a narrative statement written by a third-
 16 party, without specification and as such requires guesswork, is vague, ambiguous, overbroad,
 17 unduly burdensome, and disproportionate to the needs of the case.

18 Subject to, and without waiving, the foregoing general and specific objections, and based
 19 upon a reasonable construction of the scope of this request, Defendants respond as follows: To the
 20 extent this request seeks the production of documents demonstrating facts as to the value of
 21 Defendant Michael Love’s claims asserted in the *Love v. Wilson* litigation, Defendants will
 22 produce responsive documents that are not privileged, that are relevant to Plaintiffs’ Claims, and
 23 that are otherwise unobjectionable, and which are located through a reasonable search, that are in
 24 Defendants’ possession, custody, or control, if the same exist. To the extent this Request seeks
 25 production of documents related to opinions expressed in the quoted excerpt, Defendants are
 26 otherwise unable to respond to this request as written and thus stand on their objections.

27 **REQUEST FOR PRODUCTION NO. 17:**

28 Produce and identify for inspection and copying all documents of every nature and

description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach Boy” at p. 227:

“It was, of course, one of the dumbest decisions in music history. The Beach Boys didn’t die, and the catalog was a cash machine for decades to come, generating more than a hundred million dollars in publishing royalties, none of which Murry or the Beach Boys ever saw.”

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants object to this request as it seeks all documents of every nature and description “relating” to a narrative statement written by a third-party, without specification and as such requires guesswork, is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants are unable to respond to this request as written and thus stand on their objections.

REQUEST FOR PRODUCTION NO. 18:

Produce and identify for inspection and copying all documents of every nature and description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach Boy” at p. 351:

“In October of 1991, my lawyer [Robert Kory] told me that Brian had decided to settle with Irving Music, and the proposed settlement was \$ 10 million for all claims— a fraction of what Brian’s lawyers thought they could win. In a phone call, my attorney told me that I would not receive any of those proceeds, nor would I receive credit on any of the songs that I wrote. The case would soon be over, and there wasn’t anything I could do about it.

“After hanging up, I paced back and forth across the house, not so much in rage but in disbelief, asking myself over and over again. What the fuck just happened? I had been deposed for two full days for this lawsuit, and I had helped them get \$ 10 million, and now, no money, no song credits, nothing. This was the third time I had been screwed. First when Murry didn’t give me credit. Then when Murry sold the catalog. And now this time.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants object to this request as it seeks all

documents of every nature and description “relating” to a narrative statement written by a third-party, without specification and as such requires guesswork, is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants are unable to respond to this request as written and thus stand on their objections.

REQUEST FOR PRODUCTION NO. 19:

Produce and identify for inspection and copying all documents of every nature and description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach Boy” at p.351-352:

“Just as Jacquelyne spoke to him in her time of need, I sat down with Deepak and told him what happened with the lawsuit. Deepak told me I had to meet a lawyer who had represented him and was at the center right now. His name was Mike Flynn, and he might be able to help. “Mike joined Jacquelyne and me for dinner. He was lean, with straight dark hair and sharp angular features. Even at a health spa, he didn’t seem like the relaxing type, and the more I told him about what happened, the more interested he became. He preferred cases that involved “huge injustices”—right versus wrong, underdog versus top dog, good versus evil. “When I’m looking into the eyes of the jury,” he later said, “I want to be wearing the white hat.”

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California,

1 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 2 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 3 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 4 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 5 relation to the reasonable needs of the case. Defendants object to this request as it seeks all
 6 documents of every nature and description “relating” to a narrative statement written by a third-
 7 party, without specification and as such requires guesswork, is vague, ambiguous, overbroad,
 8 unduly burdensome, and disproportionate to the needs of the case.

9 Subject to, and without waiving, the foregoing general and specific objections, and based
 10 upon a reasonable construction of the scope of this request, Defendants respond as follows:

11 Defendants are unable to respond to this request as written and thus stand on their objections.

12 **REQUEST FOR PRODUCTION NO. 20:**

13 Produce and identify for inspection and copying all documents of every nature and
 14 description, including but not limited to all electronic and digital files, relating to the following
 15 statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach Boy”
 16 at p.

17 “Our spiritual faith created a common bond— Mike Flynn had practiced TM since
 18 1974— but it was his legal faith that separated him from all others. Dating back to
 19 the 1960s, every lawyer I had spoken to about my music-related legal problems had
 20 told me the same thing: yes, I’d been cheated, but there was nothing I could do.

21 “Lost causes, combined with huge injustices, were the very causes that Mike Flynn
 22 embraced. His willingness to help me was a revelation, but we still needed to do our
 23 astrological vetting. Jacquelyne asked Mike over dinner what his birth date was and
 24 what time he was born. He excused himself to call his mother and returned with the
 25 information. Then Jacquelyne left the table and returned with our astrologer’s
 26 planetary assessment of Mike: “In the twelfth House of Justice, he has an exalted
 27 Jupiter.”

28 “That was good enough for Jacquelyne. “Hire him,” she said. Mike Flynn, who had
 offices in San Diego County, began his work, and it included filing a suit against
 HarperCollins for defamation in Brian’s memoir. The book itself cast Gene Landy
 as Brian’s savior (Landy also collected a third of the \$ 250,000 advance), while
 depicting me and the other members of the band as shameless malefactors who
 exploited Brian. Over the years, I’ve told many people, including reporters, that
 Wouldn’t It Be Nice is “my favorite book that I’ve never read,” because
 HarperCollins settled the suit for a good deal of money. But that flippant remark
 deflected my true feelings. I read as much of Brian’s book as I could stomach and
 was stung by the false attacks against me, some of which were recycled from the
 1970s. Describing me as “smarmy,” “creepy,” and “flashing an evil grin,” the

memoir falsely claimed that I “hated everything” about Pet Sounds, alleged that I had cost Brother Records “millions of dollars in lost royalties” in bad business decisions, and blamed me for Brian’s descent into “booze, drugs, and food.” Writing songs with cousin Mike, Brian wrote, “had nearly killed me several times over.”

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants object to this request as it seeks all documents of every nature and description “relating” to a narrative statement written by a third-party, without specification and as such requires guesswork, is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants are unable to respond to this request as written and thus stand on their objections.

REQUEST FOR PRODUCTION NO. 21:

Produce and identify for inspection and copying all documents of every nature and description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach Boy”

at p. 354 – 355.

“I knew that over the past three decades, plenty of things had happened to the Beach Boys that I either didn’t understand or had neglected, but when Mike sat down with us in our living room, he came with piles of documentary evidence that he and his law firm had collected and analyzed, documents that I had never seen before, some dating all the way back to the inception of the group. He had copyright applications for songs, minutes from Brother Records board meetings, incorporation papers from Beach Boy– related companies, and letters. I then received a history lesson in deception, greed, and misplaced loyalty.

“For one thing, Brian’s lawyers misled me from the beginning about the grounds on which they were going to overturn the sale of the catalog. It wasn’t only that Brian was mentally incompetent. It was also that our lawyer at the time of the sale, Abe Somer, was representing both sides of the transaction. He was the Beach Boys’ attorney, but he was also the lawyer for Irving Music and its subsidiary, A& M Records. In addition, Somer was on the board of directors for both Irving Music and A& M Records, and he assisted Irving in the transaction. He never disclosed his dual representation to me or, as far as I knew, to anyone in the Beach Boys. It was a clear conflict of interest, and it was used in Brian’s case against Irving Music to try to overturn the catalog’s sale.”

“That was a shot to the gut. The guy we had entrusted to protect our songs was a snake, and as Mike Flynn explained it, the lies continued to this day. Brian’s current lawyers had to know that if I was aware of the Somer conflict, I would have wanted to join the case against Irving Music. But if I joined Brian’s case, we would have to split the proceeds and take money out of their pockets and Landy’s. These lawyers concealed the Somer conflict from me, even though some of them knew it as early as 1986. Mike explained that because Brian and I had been music and business partners since the inception of the band, Brian and his lawyers had a fiduciary obligation to share that information with me. Instead, they concealed it, and I testified in their case, in exchange for promises of money and credit— promises, of course, that were never kept.”

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California,

1 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 2 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 3 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 4 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 5 relation to the reasonable needs of the case. Defendants object to this request as it seeks all
 6 documents of every nature and description “relating” to a narrative statement written by a third-
 7 party, without specification and as such requires guesswork, is vague, ambiguous, overbroad,
 8 unduly burdensome, and disproportionate to the needs of the case.

9 Subject to, and without waiving, the foregoing general and specific objections, and based
 10 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 11 Defendants are unable to respond to this request as written and thus stand on their objections.

12 **REQUEST FOR PRODUCTION NO. 22:**

13 Produce and identify for inspection and copying all documents of every nature and
 14 description, including but not limited to all electronic and digital files, relating to the following
 15 statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach Boy”
 16 at p. 355 – 358:

17 “That was sleazy, but I wasn’t surprised. I knew about Landy, and I’d been dealing
 18 with corrupt lawyers for decades. But Mike Flynn said I hadn’t heard the worst of
 19 it. He grabbed another folder and said that the actual sale of the catalog in 1969 was
 20 the product of an elaborate scam to defraud me and was the culmination of years of
 21 deception.”

21 “I was listening.

22 “It started with the Sea of Tunes. When it was formed in 1961, it was a sole
 23 proprietorship, and Uncle Murry and Brian each had a 50 percent stake, though Brian
 24 gave his half away the following year. Throughout the 1960s, Brian told me that he
 25 controlled the Sea of Tunes, which reassured me that I needn’t worry about my song
 26 credits. But according to a 1965 letter from Brian, Uncle Murry controlled the
 27 catalog.”

26 “The actual scam began in 1967, when Abe Somer began representing the Beach
 27 Boys. Mike told me that Somer had engaged in these kinds of deals in the past, so
 28 he knew what he was doing, and once he and my uncle formed an alliance, he could
 move the pieces into place.

1 “Their goal was to sell the catalog and pocket the cash, but when Somer investigated
2 the actual songs, he encountered a major problem. When you write a song, you’re
3 supposed to assign the copyright to a publisher, through a copyright registration and
4 a songwriter’s agreement, and the publisher distributes songwriter royalties from
5 record sales and other publishing fees. For the Beach Boys, Uncle Murry and Brian
6 tried to assign the copyrights to the Sea of Tunes, but when Somer searched for those
7 assignments, he discovered a mess. The wrong songwriter forms had been used,
8 while other forms were incomplete, dated incorrectly, or appeared to have been
9 forged (which was later confirmed). Others were simply missing. Under the laws at
10 the time, if a copyright was not assigned, then it remained with the songwriter, and
11 any alleged copyright holder—in this case, Murry—lost it.

12 “No one would buy the publishing rights to our songs unless they could also buy the
13 copyrights, but in terms of copyrights, the Sea of Tunes was an empty vessel. “Fixing
14 the problem required even more chicanery. It involved the incorporation of Brother
15 Records and the Sea of Tunes catalog, which masked the defects in the assignments
16 and limited the liability for the buyer. Even those secret moves weren’t enough to
17 ensure the acquisition. I still owned the copyright to all my songs, and I could assert
18 those rights regardless of who owned the catalog. To get the copyrights assigned to
19 the catalog, Somer could have come to me with a stack of songwriter agreements
20 and asked me to sign them, but I might have asked questions or smelled something
21 rotten. So Somer had to trick me.

22 “After Murry found a buyer for the catalog, Somer drafted the letter that all the
23 Beach Boys were told to sign. Dated August 20, 1969, and addressed to Irving
24 Music, it said that the songs “authored by [the Beach Boys] have been assigned to
25 Sea of Tunes in accordance with normal practice in the publishing business . . . [and]
26 we acknowledge that we have executed songwriters’ agreements whereby all of our
27 rights in and to the foregoing musical compositions have been assigned to Sea of
28 Tunes.” “I had no idea what the hell that meant. So I asked my lawyer—Abe Somer!
He told me there was nothing I could do. He didn’t tell me that he had secretly
planned this transaction for two years and that he represented Irving Music. It was
premeditated, cunning, and diabolical. And in signing the letter, I gave away my
songs.

“What Mike Flynn told me deepened my contempt for Uncle Murry. I knew he
wanted to keep the Beach Boys a family band, but I didn’t realize that in his eyes, I
was never part of the family. When I later told my dad what happened, he said he
wasn’t surprised. “I knew he was a crook,” he said. “He was always a crook. But he
didn’t have it out for you. He had it out for me.” I’m sure he was right. Jealous of
my dad, Murry wasn’t going to let the entitled son of his rich brother-in-law receive
the credit, the due, that he deserved. My uncle wanted the glory for his sons, and
through his duplicity he got it.

“Mike told me there was another part of the story. Recall, he said, that Brian had
signed the letter of August 20, 1969, that paved the way for the catalog’s sale. But I
needed to read another document, which said that on December 28, 1967, Somer
incorporated the catalog into the Sea of Tunes Publishing Company. Mike then
pulled out another file and showed me the minutes of a board meeting, apparently

1 the only one ever held by the Sea of Tunes Publishing Company, and the meeting
2 resolved that “the liquidation and the distribution of [the company’s] assets be
3 commenced as soon as practicable.”

4 “It was a resolution to sell the catalog.

5 “Mike told me to look at the signatures.

6 “It was signed by the company’s sole shareholder and director, Murry Wilson, and
7 by the directors, Audree Wilson and Brian Wilson.

8 “Mike told me to look at the date.

9 “It was July 21, 1969, a full month before we signed the letter to Irving Music. Brian
10 had told me that his father had fucked us when the catalog was sold, but Brian had
11 signed the document to commence the sale a full month before it actually happened.
12 He knew his father was trying to sell the catalog, and he approved it.

13 “Mike also said that in Brian’s own suit against Irving Music, his lawyers argued
14 that Brian and Murry each had a 50 percent stake in Sea of Tunes even before its
15 incorporation in 1967, and Brian was now bound by that. In other words, if Brian
16 were a full partner with his father, then all the fraud and deceit surrounding the
17 catalog must also be attributable to Brian. He could not escape responsibility.

18 “Brian is just as culpable as Murry,” Mike said.

19 “I put my head down in my hands.”

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

21 Defendants object to the definition of “identify” as used in this request, which purports to
22 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
23 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
24 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
25 the case. Defendants further object to the request to the extent it seeks information not reasonably
26 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
27 extent it purports to seek documents or information protected from disclosure by the attorney-
28 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
any other applicable privilege or protections, and to the extent it purports to seek documents or
information protected from disclosure by the right to privacy under the United States, California,
and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on

1 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 2 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 3 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 4 relation to the reasonable needs of the case. Defendants object to this request as it seeks all
 5 documents of every nature and description “relating” to a narrative statement written by a third-
 6 party, without specification and as such requires guesswork, is vague, ambiguous, overbroad,
 7 unduly burdensome, and disproportionate to the needs of the case.

8 Subject to, and without waiving, the foregoing general and specific objections, and based
 9 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 10 Defendants are unable to respond to this request as written and thus stand on their objections.

11 **REQUEST FOR PRODUCTION NO. 23:**

12 Produce and identify for inspection and copying all documents of every nature and
 13 description, including but not limited to all electronic and digital files, relating to the following
 14 statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach
 15 Boy” at p. 362:

16 “I needed some legal obstacles removed. Inside one of the temples, I stood next to a
 17 small fire, and with hundreds of priests chanting, I threw into the blaze almonds,
 18 chili peppers, and food grains. The goal is not to harm any of your adversaries but
 19 to evolve them to a more enlightened state, and it seemed fitting that the temple was
 20 equipped with its own choral effects. I loved the sound of the
 crackling flames, the chants, the invocations, the chorus of drums, bells, and gongs.
 These were harmonies of the spirit.

21 “On another occasion, back in the states, Mike Flynn and I visited the temple in
 22 Calabasas when he was taking depositions and had hit some roadblock. We asked
 23 Narasimha to chant the thousand names of Ganesha, the linking of the names
 24 expressing the belie in the glory of the deity. Narasimha did all the work. Mike and
 I just sat back and listened until the sounds washed over us. When we got back to
 our car and drove down the highway, it felt like we were floating.”

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

26 Defendants object to the definition of “identify” as used in this request, which purports to
 27 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
 28 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .

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[and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants object to this request as it seeks all documents of every nature and description “relating” to a narrative statement written by a third-party, without specification and as such requires guesswork, is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants are unable to respond to this request as written and thus stand on their objections.

REQUEST FOR PRODUCTION NO. 24:

Produce and identify for inspection and copying all documents of every nature and description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach Boy” at p. 362:

“The pretrial skirmishing dragged on for many months, in part because Brian’s lawyers delayed or blocked access to documents. In February of 1994, Judge William J. Rea reopened discovery when Mike Flynn convinced him that documents had been suppressed. The judge also removed Brian’s two lawyers, J. J. Little and Jim Tierney, for conflicts of interest, as their misconduct, acting on Brian’s behalf, was part of the case. I didn’t have the money to cover Mike’s expenses, which included hiring a forensics expert to comb through Brian’s computer, and Mike would ultimately spend about \$ 200,000 of his own cash just to keep the case going.”

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants object to this request as it seeks all documents of every nature and description “relating” to a narrative statement written by a third-party, without specification and as such requires guesswork, is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants are unable to respond to this request as written and thus stand on their objections.

REQUEST FOR PRODUCTION NO. 25:

Produce and identify for inspection and copying all documents of every nature and description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach Boy” at p. 364:

“Mike Flynn was my best man. He had recently deposed Brian for seventeen days,

two hours a day, during which time Brian had admitted— to the dismay of his lawyers— that I had contributed lyrics to thirty-five contested songs. (We initially identified seventy-nine, but that number was too unwieldy.) Professional ethics prevented Mike Flynn from speaking to Brian at the wedding, but in his lengthy and very funny toast, he integrated lyrics from all thirty-five songs. Brian sat and listened to it in good humor and later told Carl how much he liked it.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants object to this request as it seeks all documents of every nature and description “relating” to a narrative statement written by a third-party, without specification and as such requires guesswork, is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants are unable to respond to this request as written and thus stand on their objections.

REQUEST FOR PRODUCTION NO. 26:

Produce and identify for inspection and copying all documents of every nature and

1 description, including but not limited to all electronic and digital files, relating to the following
 2 statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach
 3 Boy” at p. 364 -365:

4 “The trial finally began on October 4, 1994, in United States District Court in Los
 5 Angeles, and what occurred over the next two months was the most comprehensive
 6 history of the Beach Boys ever assembled, in several thousand pages of testimony
 7 (including pretrial depositions) and documents (hearings, rulings, motions,
 8 contracts, exhibits, letters, interview transcripts, medical reports, boardroom
 9 minutes, and more). The jurors heard from Brian and me as well as Al, Bruce, David
 Marks, Marilyn, and various promoters, record company executives, lawyers,
 managers, and medical experts. Carl refused to appear in court, but he was deposed
 at length, and his testimony was read to the jurors.”

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

11 Defendants object to the definition of “identify” as used in this request, which purports to
 12 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
 13 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
 14 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
 15 the case. Defendants further object to the request to the extent it seeks information not reasonably
 16 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 17 extent it purports to seek documents or information protected from disclosure by the attorney-
 18 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 19 any other applicable privilege or protections, and to the extent it purports to seek documents or
 20 information protected from disclosure by the right to privacy under the United States, California,
 21 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 22 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 23 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 24 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 25 relation to the reasonable needs of the case. Defendants object to this request as it seeks all
 26 documents of every nature and description “relating” to a narrative statement written by a third-
 27 party, without specification and as such requires guesswork, is vague, ambiguous, overbroad,
 28 unduly burdensome, and disproportionate to the needs of the case.

1 Subject to, and without waiving, the foregoing general and specific objections, and based
 2 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 3 Defendants are unable to respond to this request as written and thus stand on their objections.

4 **REQUEST FOR PRODUCTION NO. 27:**

5 Produce and identify for inspection and copying all documents of every nature and
 6 description, including but not limited to all electronic and digital files, relating to the following
 7 statement of Michael E. Love in his autobiography, "Good Vibrations" My Life As A Beach Boy"
 8 at p. 366-367:

9 "When Al Jardine took the stand, Mike Flynn asked him what happened when he
 10 gave Brian "Sloop John B." "I arranged it in a fashion that I thought Brian would
 11 appreciate [and] that we could possibly have as a Beach Boy song," Al said. "I wrote
 12 it out for him and played it for him." "Al testified that to his surprise, Brian
 13 completed the song on his own, and it became a hit in America and around the world.

14 "Did you get credit?" Mike Flynn asked.

15 "No, I didn't," Al said. "No."

16 "Brian, in his testimony, denied that Al helped him, but Al had no reason to perjure
 17 himself: he wasn't a plaintiff in the case, he had nothing to gain financially, and the
 18 song itself wasn't even being contested. But a pattern of behavior was established."

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

20 Defendants object to the definition of "identify" as used in this request, which purports to
 21 require Defendants to state the "type of each such document (e.g., letter memoranda, telephone
 22 message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . .
 23 [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of
 24 the case. Defendants further object to the request to the extent it seeks information not reasonably
 25 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 26 extent it purports to seek documents or information protected from disclosure by the attorney-
 27 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 28 any other applicable privilege or protections, and to the extent it purports to seek documents or
 information protected from disclosure by the right to privacy under the United States, California,
 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on

the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants object to this request as it seeks all documents of every nature and description “relating” to a narrative statement written by a third-party, without specification and as such requires guesswork, is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants are unable to respond to this request as written and thus stand on their objections.

REQUEST FOR PRODUCTION NO. 28:

Produce and identify for inspection and copying all documents of every nature and description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach Boy” at p. 369:

“It was an unusually bitter trial, a war within a family and a band, with lawyers thundering at one another at every turn.

“At one point, Judge Rea, who’d been on the bench for twenty-six years, said he had never had a trial in which the attorneys voiced— or yelled— so many objections. And now, out of nowhere, the voice of a child pierced the ramblings of his medicated namesake. I suddenly got emotional and started to well up. I headed for the exit, and Jacquelyne, lifting Brian, followed me to the door.

“Brian Wilson, continuing with his testimony, said, “It does sort of sound like a Mike Love— type of riff.”

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the

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1 extent it purports to seek documents or information protected from disclosure by the attorney-
 2 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 3 any other applicable privilege or protections, and to the extent it purports to seek documents or
 4 information protected from disclosure by the right to privacy under the United States, California,
 5 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 6 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 7 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 8 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 9 relation to the reasonable needs of the case. Defendants object to this request as it seeks all
 10 documents of every nature and description “relating” to a narrative statement written by a third-
 11 party, without specification and as such requires guesswork, is vague, ambiguous, overbroad,
 12 unduly burdensome, and disproportionate to the needs of the case.

13 Subject to, and without waiving, the foregoing general and specific objections, and based
 14 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 15 Defendants are unable to respond to this request as written and thus stand on their objections.

16 **REQUEST FOR PRODUCTION NO. 29:**

17 Produce and identify for inspection and copying all documents of every nature and
 18 description, including but not limited to all electronic and digital files, relating to the following
 19 statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach Boy”
 20 at p. 369-370:

21 “In addition to all the testimony, the paper trail told a clear story of deception and
 22 complicity. Thanks to the forensic analysis of Brian’s computer, Mike Flynn had
 23 supplemented the documents from the 1960s with Brian’s diary entries from the late
 24 1980s, and they contradicted the depiction of a mental incompetent. Rather, they
 showed that Brian was intimately involved in his case against Irving Music,
 following the direction of his counsel and seeking to maximize his financial gain.
 Noting the guidance that he had received from his lawyers, Brian wrote:

25 ““These kinds of questions were leading to the fact that if I was caught saying that I
 26 remember when I was told about Sea of Tunes, the statute of limitation would have
 27 started instantly. Anyway J.J. assured me that we couldn’t get shafted if I answered
 the questions that J.J. and Jim had been teaching me . . . We are not talking about
 two million dollars. ***We are talking about forty million dollars.***” (Italics, bold,
 28 supplied)

RESPONSE TO REQUEST FOR PRODUCTION NO. 29:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants object to this request as it seeks all documents of every nature and description “relating” to a narrative statement written by a third-party, without specification and as such requires guesswork, is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants are unable to respond to this request as written and thus stand on their objections.

REQUEST FOR PRODUCTION NO. 30:

Produce and identify for inspection and copying all documents of every nature and description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach Boy” at p.370:

“In other examples, Brian’s own words undermined his credibility. When he was on the stand, Mike Flynn read for him an interview he did with Todd Gold, his

collaborator on his memoir, regarding “California Girls.” Brian said that he and I wrote the song but I never received credit.

GOLD: Why? Whose fault was that?

BRIAN: That was my fault.

GOLD: Why didn’t you give him credit?

BRIAN: Because I forgot that he wrote it with me.

GOLD: Did you ever regret forgetting to give him credit?

BRIAN: Very much so, yes.

Gold asked why he hadn’t given me credit since then.

BRIAN: I don’t know. I keep fucking up. I keep forgetting to do it.’ “

“He kept forgetting? If “California Girls” had been an obscure song, that might have been believable. But Brian himself described it as the Beach Boys’ “anthem.” Every time he heard it, played it, sang it, or saw the record itself, he was reminded that this was fraud on vinyl.”

RESPONSE TO REQUEST FOR PRODUCTION NO. 30:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants object to this request as it seeks all

documents of every nature and description “relating” to a narrative statement written by a third-party, without specification and as such requires guesswork, is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants are unable to respond to this request as written and thus stand on their objections.

REQUEST FOR PRODUCTION NO. 31:

Produce and identify for inspection and copying all documents of every nature and description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach Boy” at p. 370 – 371:

“There were songwriter agreements in which my name had been forged, and there were hidden letters and financial arrangements among the lawyers. There was a lot of talk about suppression of evidence and promissory fraud and breaches of contract, but ultimately, after twenty-four days of testimony, the jurors had to decide if Brian Wilson victimized me or was himself a victim of his own frailties.”

RESPONSE TO REQUEST FOR PRODUCTION NO. 31:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what

documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants object to this request as it seeks all documents of every nature and description “relating” to a narrative statement written by a third-party, without specification and as such requires guesswork, is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants are unable to respond to this request as written and thus stand on their objections.

REQUEST FOR PRODUCTION NO. 32:

Produce and identify for inspection and copying all documents of every nature and description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach Boy” at p. 371:

“Mike Flynn, in his closing argument, was equally unsparing toward Brian: “The guy who wrote the songs”— me—” helps his cousin for thirty years, supports him during that whole period of time while at least a good percentage of that money that Mr. Love is earning both from touring revenues and songwriter royalties . . . a good portion of that money is being used for drugs by Brian Wilson while Mr. Love is out working. And then they get his cooperation in Wilson vs. A& M, and then they turn around after they get the cooperation and use it against him . . . I submit to you, ladies and gentlemen, when you think of what has happened here, it is simply outrageous.”

RESPONSE TO REQUEST FOR PRODUCTION NO. 32:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or

any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants object to this request as it seeks all documents of every nature and description “relating” to a narrative statement written by a third-party, without specification and as such requires guesswork, is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants are unable to respond to this request as written and thus stand on their objections.

REQUEST FOR PRODUCTION NO. 33:

Produce and identify for inspection and copying all documents of every nature and description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach Boy” at p. 372:

“After a lengthy summary of the misrepresentations and betrayals, Mike Flynn concluded: “It has been a long two months . . . The guy who did all the work and wrote the songs hasn’t got anything . . . So after you deliberate and consider all these items, all this evidence, all this testimony, I am going to ask you to return a verdict for this man because he deserves it. He wrote the songs.”

RESPONSE TO REQUEST FOR PRODUCTION NO. 33:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the

1 extent it purports to seek documents or information protected from disclosure by the attorney-
 2 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 3 any other applicable privilege or protections, and to the extent it purports to seek documents or
 4 information protected from disclosure by the right to privacy under the United States, California,
 5 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 6 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 7 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 8 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 9 relation to the reasonable needs of the case. Defendants object to this request as it seeks all
 10 documents of every nature and description “relating” to a narrative statement written by a third-
 11 party, without specification and as such requires guesswork, is vague, ambiguous, overbroad,
 12 unduly burdensome, and disproportionate to the needs of the case.

13 Subject to, and without waiving, the foregoing general and specific objections, and based
 14 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 15 Defendants are unable to respond to this request as written and thus stand on their objections.

16 **REQUEST FOR PRODUCTION NO. 34:**

17 Produce and identify for inspection and copying all documents of every nature and
 18 description, including but not limited to all electronic and digital files, relating to the following
 19 statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach Boy”
 20 at p. 372:

21 “To reach a verdict, Brian’s lawyers requested that jurors fill out a twenty-five-page
 22 questionnaire— a typical request from a defendant. The more that jurors have to
 23 consider, or the more deeply they plunge into every piece of evidence, the greater
 24 the possibility that doubt will creep in. (Plaintiffs prefer three-line verdicts.) To Mike
 Flynn’s dismay, I told him to accept those instructions. I wanted jurors to consider
 all aspects of this case. I wanted a long verdict as a document on the history of the
 Beach Boys.”

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

26 Defendants object to the definition of “identify” as used in this request, which purports to
 27 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
 28 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .

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[and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants object to this request as it seeks all documents of every nature and description “relating” to a narrative statement written by a third-party, without specification and as such requires guesswork, is vague, ambiguous, overbroad, unduly burdensome, and disproportionate to the needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants are unable to respond to this request as written and thus stand on their objections.

REQUEST FOR PRODUCTION NO. 35:

Produce and identify for inspection and copying all documents of every nature and description, including but not limited to all electronic and digital files, relating to the following statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach Boy” at p. 372:

“The jurors began their deliberations on December 2. Though we all knew what was at stake, I didn’t feel nervous. I very much believe in karma, which is a doctrine of universal truth. It basically states that notwithstanding the machinations of man—and regardless of the good or evil in the world— if you follow your conscience, the universe will support the truth. Mike Flynn and I talked about this at length. He knows a lot more about the legal system than I do, so he was worried about how the jurors were reacting to various arguments and rulings. At the same time, I was taking hits in the press for my attempted “money grab.” **But I remained confident that if**

1 you follow what is true, the universe will support it. I was at peace.” (BOLD
2 SUPPLIED).

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

4 Defendants object to the definition of “identify” as used in this request, which purports to
5 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
6 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
7 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
8 the case. Defendants further object to the request to the extent it seeks information not reasonably
9 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
10 extent it purports to seek documents or information protected from disclosure by the attorney-
11 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
12 any other applicable privilege or protections, and to the extent it purports to seek documents or
13 information protected from disclosure by the right to privacy under the United States, California,
14 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
15 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
16 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
17 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
18 relation to the reasonable needs of the case. Defendants object to this request as it seeks all
19 documents of every nature and description “relating” to a narrative statement written by a third-
20 party, without specification and as such requires guesswork, is vague, ambiguous, overbroad,
21 unduly burdensome, and disproportionate to the needs of the case.

22 Subject to, and without waiving, the foregoing general and specific objections, and based
23 upon a reasonable construction of the scope of this request, Defendants respond as follows:
24 Defendants are unable to respond to this request as written and thus stand on their objections.

25 **REQUEST FOR PRODUCTION NO. 36:**

26 Produce and identify for inspection and copying all documents of every nature and
27 description, including but not limited to all electronic and digital files, relating to the following
28 statement of Michael E. Love in his autobiography, “Good Vibrations” My Life As A Beach Boy”
at p. 372 -373:

1 “After ten days of deliberation, the jury returned with its “special verdict,” and Judge
2 Rea, who at seventy-four was himself showing the stress of a long trial, looked right
3 at Mike and me with a worn smile. Page by page, he read the verdict. The jurors
4 ruled that I deserved credit on all thirty- five songs; that Brian and I were partners;
5 that Brian or his agents concealed material facts with the intent to defraud me; that
6 they engaged in promissory fraud regarding songwriting credits and royalties; and
7 on and on it went.

8 “It was a clean-sweep victory. I hugged Jacquelyne and Mike, but there was no
9 celebration, no cheering. I was vindicated but subdued. I was thinking about what
10 came next. When I left the courthouse and faced the television cameras, I said that I
11 hoped this case would allow Brian and me to put the past behind us so that we could
12 write music again.”

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

14 Defendants object to the definition of “identify” as used in this request, which purports to
15 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
16 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
17 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
18 the case. Defendants further object to the request to the extent it seeks information not reasonably
19 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
20 extent it purports to seek documents or information protected from disclosure by the attorney-
21 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
22 any other applicable privilege or protections, and to the extent it purports to seek documents or
23 information protected from disclosure by the right to privacy under the United States, California,
24 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
25 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
26 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
27 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
28 relation to the reasonable needs of the case. Defendants object to this request as it seeks all
documents of every nature and description “relating” to a narrative statement written by a third-
party, without specification and as such requires guesswork, is vague, ambiguous, overbroad,
unduly burdensome, and disproportionate to the needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based
upon a reasonable construction of the scope of this request, Defendants respond as follows:

Defendants are unable to respond to this request as written and thus stand on their objections.

REQUEST FOR PRODUCTION NO. 37:

Produce complete copies of the Defendants' signed tax returns (including all schedules, worksheets, form, addenda, etc. thereto) for years tax years 1990 through 2020.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

Defendants object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case given it seeks documents over a 30-year period.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Plaintiffs have failed to show how each of the four individual defendants' tax returns over a 30-year period are relevant to the claims and defenses at issue in this litigation. Further, courts accord greater privacy protections to a party's tax records, and Plaintiffs have failed to demonstrate why Defendants' tax returns are necessary and/or why the information sought cannot be obtained from another source. Defendants stand on their objections and will not be producing tax returns.

REQUEST FOR PRODUCTION NO. 38:

Produce and identify all documents, memos, emails, notes, correspondence with the Defendants' bookkeepers, CPAs, accountants and the like concerning payment of expenses and/or fees related to the Plaintiffs and/or their claims from 1992 through 2020.

RESPONSE TO REQUEST FOR PRODUCTION NO. 38:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants will produce responsive documents that are not privileged, that are relevant to Plaintiffs’ Contract-Based Claims, and that are otherwise unobjectionable, and which are located through a reasonable search, that are in Defendants’ possession, custody, or control, if the same exist.

AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 38:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably

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1 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 2 extent it purports to seek documents or information protected from disclosure by the attorney-
 3 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 4 any other applicable privilege or protections, and to the extent it purports to seek documents or
 5 information protected from disclosure by the right to privacy under the United States, California,
 6 and/or Nevada Constitutions, N.R.S. 49.185, or the right to privacy. Defendants further object to
 7 this request on the grounds that it: (1) is not sufficiently particular or definite to apprise
 8 Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in
 9 terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or
 10 money to fulfill in relation to the reasonable needs of the case.

11 Subject to, and without waiving, the foregoing general and specific objections, and based
 12 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 13 Defendants will produce responsive documents that are not privileged, that are relevant to
 14 Plaintiffs' Claims, and that are otherwise unobjectionable, and which are located through a
 15 reasonable search, that are in Defendants' possession, custody, or control, if the same exist.

16 **REQUEST FOR PRODUCTION NO. 39:**

17 Produce and identify all documents related to all payments made by BRI to you since
 18 1994.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

20 Defendants object to the definition of "identify" as used in this request, which purports to
 21 require Defendants to state the "type of each such document (e.g., letter memoranda, telephone
 22 message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . .
 23 [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of
 24 the case. Defendants further object to the request to the extent it seeks information not reasonably
 25 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 26 extent it purports to seek documents or information protected from disclosure by the attorney-
 27 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 28 any other applicable privilege or protections, and to the extent it purports to seek documents or

1 information protected from disclosure by the right to privacy under the United States, California,
 2 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 3 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 4 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 5 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 6 relation to the reasonable needs of the case.

7 Subject to, and without waiving, the foregoing general and specific objections, and based
 8 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 9 Defendants stand on their objections and will not be producing the requested documents.

10 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

11 Defendants object to the definition of “identify” as used in this request, which purports to
 12 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
 13 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
 14 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
 15 the case. Defendants further object to the request to the extent it seeks information not reasonably
 16 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 17 extent it purports to seek documents or information protected from disclosure by the attorney-
 18 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 19 any other applicable privilege or protections, and to the extent it purports to seek documents or
 20 information protected from disclosure by the right to privacy under the United States, California,
 21 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 22 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 23 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 24 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 25 relation to the reasonable needs of the case.

26 Subject to, and without waiving, the foregoing general and specific objections, and based
 27 upon a reasonable construction of the scope of this request, Defendants respond as follows: To the
 28 extent this request seeks the production of documents demonstrating the payment of songwriter

1 royalties to Defendant Michael Love for the 35 Songs, Defendants will produce responsive
 2 documents that are not privileged, that are relevant to Plaintiffs' Claims, and that are otherwise
 3 unobjectionable, and which are located through a reasonable search, that are in Defendants'
 4 possession, custody, or control, if the same exist. Defendants are otherwise unable to respond to
 5 this request as written and thus stand on their objections.

6 **REQUEST FOR PRODUCTION NO. 40:**

7 Produce and identify all documents related to all songwriter agreements, publishing
 8 agreements, sub publishing agreements, publishing administrators, record contracts, licensing
 9 deals, public performances and agreements with Performing Rights Organizations domestically
 10 and abroad, by you individually or The Beach Boys between 1994 and the present.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

12 Defendants object to the definition of "identify" as used in this request, which purports to
 13 require Defendants to state the "type of each such document (e.g., letter memoranda, telephone
 14 message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . .
 15 [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of
 16 the case. Defendants further object to the request to the extent it seeks information not reasonably
 17 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 18 extent it purports to seek documents or information protected from disclosure by the attorney-
 19 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 20 any other applicable privilege or protections, and to the extent it purports to seek documents or
 21 information protected from disclosure by the right to privacy under the United States, California,
 22 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 23 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 24 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 25 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 26 relation to the reasonable needs of the case.

27 Subject to, and without waiving, the foregoing general and specific objections, and based
 28 upon a reasonable construction of the scope of this request, Defendants respond as follows:

Defendants will produce responsive documents that are not privileged, that are relevant to Plaintiffs' Contract-Based Claims, and that are otherwise unobjectionable, and which are located through a reasonable search, that are in Defendants' possession, custody, or control, if the same exist.

AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 40:

Defendants object to the definition of "identify" as used in this request, which purports to require Defendants to state the "type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . . [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants will produce responsive documents related to all agreements concerning songwriter royalties from the 35 Songs to Defendant Michael that are not privileged, that are relevant to Plaintiffs' Claims, and that are otherwise unobjectionable, and which are located through a reasonable search, that are in Defendants' possession, custody, or control, if the same exist.

REQUEST FOR PRODUCTION NO. 41:

Produce all photographs taken of Mike Love with any of the Plaintiffs.

RESPONSE TO REQUEST FOR PRODUCTION NO. 41:

Defendants object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants further object to this request to the extent the photographs requested, if they exist, are equally available to Plaintiffs.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants stand on their objections and will not be producing the requested records.

REQUEST FOR PRODUCTION NO. 42:

Produce all credit card records for the period between July 1, 1992 and August 31, 1992.

RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

Defendants object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to the undefined term “all credit card records” as vague, ambiguous, and overbroad. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise

1 Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in
 2 terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or
 3 money to fulfill in relation to the reasonable needs of the case.

4 Subject to, and without waiving, the foregoing general and specific objections, and based
 5 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 6 Defendants will produce documents that are not privileged, that are relevant to Plaintiffs'
 7 Contract-Based Claims, and that are otherwise unobjectionable responsive documents located
 8 through a reasonable search and that are in Defendants' possession, custody, or control, if the
 9 same exist.

10 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

11 Defendants object to the request to the extent it seeks information not reasonably
 12 calculated to lead to the discovery of admissible evidence. Defendants object to the undefined
 13 term "all credit card records" as vague, ambiguous, and overbroad. Defendants object to this
 14 request to the extent it purports to seek documents or information protected from disclosure by the
 15 attorney-client privilege or attorney work product doctrine, the common interest/joint defense
 16 privilege, or any other applicable privilege or protections, and to the extent it purports to seek
 17 documents or information protected from disclosure by the right to privacy under the United
 18 States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object
 19 to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise
 20 Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in
 21 terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or
 22 money to fulfill in relation to the reasonable needs of the case.

23 Subject to, and without waiving, the foregoing general and specific objections, and based
 24 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 25 Defendants will produce documents that are not privileged, that are relevant to Plaintiffs' Claims,
 26 and that are otherwise unobjectionable responsive documents located through a reasonable search
 27 and that are in Defendants' possession, custody, or control, if the same exist.

REQUEST FOR PRODUCTION NO. 43:

Produce and identify all documents related to the Beach Boys and / or Mike Love touring schedule between July 1, 1992 and August 30, 1992.

RESPONSE TO REQUEST FOR PRODUCTION NO. 43:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants further object to the extent this request seeks information that is equally available to Plaintiffs.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants will produce documents that are not privileged, that are relevant to Plaintiffs’ Contract-Based Claims, and that are otherwise unobjectionable responsive documents located through a reasonable search and that are in Defendants’ possession, custody, or control, if the same exist.

AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 43:

Defendants object to the definition of “identify” as used in this request, which purports to

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1 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
 2 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
 3 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
 4 the case. Defendants further object to the request to the extent it seeks information not reasonably
 5 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 6 extent it purports to seek documents or information protected from disclosure by the attorney-
 7 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 8 any other applicable privilege or protections, and to the extent it purports to seek documents or
 9 information protected from disclosure by the right to privacy under the United States, California,
 10 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 11 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 12 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 13 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 14 relation to the reasonable needs of the case. Defendants further object to the extent this request
 15 seeks information that is equally available to Plaintiffs.

16 Subject to, and without waiving, the foregoing general and specific objections, and based
 17 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 18 Defendants will produce documents sufficient to identify the concerts performed by Defendant
 19 Michael Love from July 1, 1992 to July 30, 1992 that are not privileged, that are relevant to
 20 Plaintiffs’ Claims, and that are otherwise unobjectionable responsive documents located through a
 21 reasonable search and that are in Defendants’ possession, custody, or control, if the same exist.

22 **REQUEST FOR PRODUCTION NO. 44:**

23 Produce and identify all documents between the Defendants and the Ashley firm related to
 24 the Plaintiffs and /or their claims between January, 1992 and the present, including but not limited
 25 to all internal memos, emails, notes, correspondence, and digital recordings.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

27 Defendants object to the definition of “identify” as used in this request, which purports to
 28 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone

message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants will produce documents that are not privileged, that are relevant to Plaintiffs’ Contract-Based Claims, and that are otherwise unobjectionable responsive documents located through a reasonable search and that are in Defendants’ possession, custody, or control, if the same exist.

AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 44:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or

any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, N.R.S. 49.185, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants will produce documents that are not privileged, that are relevant to Plaintiffs' Claims, and that are otherwise unobjectionable responsive documents located through a reasonable search and that are in Defendants' possession, custody, or control, if the same exist.

REQUEST FOR PRODUCTION NO. 45:

Produce and identify for inspection and copying any one or more specific documents in order to identify all employees, agents and attorneys for each of the Defendants between 1992 and the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

Defendants object to the definition of "identify" as used in this request, which purports to require Defendants to state the "type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . . [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants object to the undefined phrase "all employees, agents and attorneys" as ambiguous, overbroad, and unduly burdensome. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from

disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants further object to the extent this request seeks information that is equally available to Plaintiffs. Defendants further object to this request to the extent it seeks to require Defendants to compile information from various sources for Plaintiffs' benefit.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants stand on their objections and will not be producing the requested documents.

REQUEST FOR PRODUCTION NO. 46:

Produce and identify all documents relating to all agreements between the Plaintiffs and the Defendants.

RESPONSE TO REQUEST FOR PRODUCTION NO. 46:

Defendants object to the definition of "identify" as used in this request, which purports to require Defendants to state the "type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . . [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants object to the undefined phrase "all agreements" as vague, ambiguous, overbroad and unduly burdensome, and to the undefined temporal limitations for the same reasons. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California,

1 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 2 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 3 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 4 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 5 relation to the reasonable needs of the case. Defendants further object to the extent this request
 6 seeks information that is equally available to Plaintiffs.

7 Subject to, and without waiving, the foregoing general and specific objections, and based
 8 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 9 Defendants will produce documents that are not privileged, that are relevant to Plaintiffs'
 10 Contract-Based Claims, and that are otherwise unobjectionable responsive documents located
 11 through a reasonable search and that are in Defendants' possession, custody, or control, if the
 12 same exist.

13 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 46:**

14 Defendants object to the definition of "identify" as used in this request, which purports to
 15 require Defendants to state the "type of each such document (e.g., letter memoranda, telephone
 16 message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . .
 17 [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of
 18 the case. Defendants object to the undefined phrase "all agreements" as vague, ambiguous,
 19 overbroad and unduly burdensome, and to the undefined temporal limitations for the same
 20 reasons. Defendants further object to the request to the extent it seeks information not reasonably
 21 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 22 extent it purports to seek documents or information protected from disclosure by the attorney-
 23 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 24 any other applicable privilege or protections, and to the extent it purports to seek documents or
 25 information protected from disclosure by the right to privacy under the United States, California,
 26 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 27 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 28 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,

1 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 2 relation to the reasonable needs of the case. Defendants further object to the extent this request
 3 seeks information that is equally available to Plaintiffs.

4 Subject to, and without waiving, the foregoing general and specific objections, and based
 5 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 6 Defendants will produce documents that are not privileged, that are relevant to Plaintiffs' Claims,
 7 and that are otherwise unobjectionable responsive documents located through a reasonable search
 8 and that are in Defendants' possession, custody, or control, if the same exist.

9 **REQUEST FOR PRODUCTION NO. 47:**

10 Produce and identify all documents relating to the *Wixen v. Spotify* lawsuit.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 47:**

12 Defendants object to the definition of "identify" as used in this request, which purports to
 13 require Defendants to state the "type of each such document (e.g., letter memoranda, telephone
 14 message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . .
 15 [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of
 16 the case. Defendants further object to the request to the extent it seeks information not reasonably
 17 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 18 extent it purports to seek documents or information protected from disclosure by the attorney-
 19 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 20 any other applicable privilege or protections, and to the extent it purports to seek documents or
 21 information protected from disclosure by the right to privacy under the United States, California,
 22 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 23 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 24 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 25 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 26 relation to the reasonable needs of the case. Defendants further object to the extent this request
 27 seeks information that is equally available to Plaintiffs including documents that can be obtained
 28 from publicly available court files.

1 Subject to, and without waiving, the foregoing general and specific objections, and based
 2 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 3 Defendants stand on their objections and will not be producing the requested documents.

4 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 47:**

5 Defendants object to the definition of “identify” as used in this request, which purports to
 6 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
 7 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
 8 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
 9 the case. Defendants further object to the request to the extent it seeks information not reasonably
 10 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 11 extent it purports to seek documents or information protected from disclosure by the attorney-
 12 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 13 any other applicable privilege or protections, and to the extent it purports to seek documents or
 14 information protected from disclosure by the right to privacy under the United States, California,
 15 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 16 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 17 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 18 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 19 relation to the reasonable needs of the case. Defendants further object to the extent this request
 20 seeks information that is equally available to Plaintiffs including documents that can be obtained
 21 from publicly available court files.

22 Subject to, and without waiving, the foregoing general and specific objections, and based
 23 upon a reasonable construction of the scope of this request, Defendants respond as follows: To the
 24 extent this request seeks the production of documents related to the *Wixen v. Spotify* litigation
 25 demonstrating the payment of songwriter royalties to Defendant Michael Love or BRI for the 35
 26 Songs, Defendants will produce responsive documents that are not privileged, that are relevant to
 27 Plaintiffs’ Claims, and that are otherwise unobjectionable, and which are located through a
 28 reasonable search, that are in Defendants’ possession, custody, or control, if the same exist.

Defendants are otherwise unable to respond to this request as written and thus stand on their objections

REQUEST FOR PRODUCTION NO. 48:

Produce and identify all documents relating to all negotiations, agreements, dealings, and involvement with BMG, its agents, attorneys and employees by you and your agents, attorneys and employees, which in any way relate to the 35 songs recovered by the Plaintiffs in the Special Verdict.

RESPONSE TO REQUEST FOR PRODUCTION NO. 48:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants will produce documents that are not privileged, that are relevant to Plaintiffs’ Contract-Based Claims, and that are otherwise unobjectionable responsive documents located

1 through a reasonable search and that are in Defendants' possession, custody, or control, if the
2 same exist.

3 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 48:**

4 Defendants object to the definition of "identify" as used in this request, which purports to
5 require Defendants to state the "type of each such document (e.g., letter memoranda, telephone
6 message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . .
7 [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of
8 the case. Defendants further object to the request to the extent it seeks information not reasonably
9 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
10 extent it purports to seek documents or information protected from disclosure by the attorney-
11 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
12 any other applicable privilege or protections, and to the extent it purports to seek documents or
13 information protected from disclosure by the right to privacy under the United States, California,
14 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
15 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
16 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
17 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
18 relation to the reasonable needs of the case.

19 Subject to, and without waiving, the foregoing general and specific objections, and based
20 upon a reasonable construction of the scope of this request, Defendants respond as follows:
21 Defendants will produce documents that are not privileged, that are relevant to Plaintiffs' Claims,
22 and that are otherwise unobjectionable responsive documents located through a reasonable search
23 and that are in Defendants' possession, custody, or control, if the same exist.

24 **REQUEST FOR PRODUCTION NO. 49:**

25 Produce and identify all Bank Statements for any account of any of the Defendants, their
26 agents, employees or others into which moneys were deposited relating to any songwriter
27 royalties received by any of the Defendants, between 1990 and the present, including any and all
28 payments or transfers between any accounts of the Defendants.

RESPONSE TO REQUEST FOR PRODUCTION NO. 49:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of the case. Though it is a capitalized term, “Bank Statements” is undefined and therefore vague, ambiguous and, depending on how interpreted, overbroad, unduly burdensome, and disproportionate to the needs of the case. Defendants further object to the request to the extent it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this request to the extent it purports to seek documents or information protected from disclosure by the attorney-client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants object to the extent this request seeks the production of financial information belonging to third-parties. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case given its 30-year scope.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants stand on their objections and will not be producing the requested documents.

REQUEST FOR PRODUCTION NO. 50:

Produce and identify all documents relating to the 35 songs in the Special Verdict.

RESPONSE TO REQUEST FOR PRODUCTION NO. 50:

Defendants object to the definition of “identify” as used in this request, which purports to require Defendants to state the “type of each such document (e.g., letter memoranda, telephone

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 Las Vegas, Nevada 89135
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 (702) 792-9002 (fax)

1 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
 2 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
 3 the case. Defendants further object to the request to the extent it seeks information not reasonably
 4 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 5 extent it purports to seek documents or information protected from disclosure by the attorney-
 6 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 7 any other applicable privilege or protections, and to the extent it purports to seek documents or
 8 information protected from disclosure by the right to privacy under the United States, California,
 9 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 10 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 11 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,
 12 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 13 relation to the reasonable needs of the case. Defendants further object to the extent this request
 14 seeks information that is equally available to Plaintiffs.

15 Subject to, and without waiving, the foregoing general and specific objections, and based
 16 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 17 Defendants will produce documents that are not privileged, that are relevant to Plaintiffs’
 18 Contract-Based Claims, and that are otherwise unobjectionable responsive documents located
 19 through a reasonable search and that are in Defendants’ possession, custody, or control, if the
 20 same exist.

21 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 50:**

22 Defendants object to the definition of “identify” as used in this request, which purports to
 23 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
 24 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
 25 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
 26 the case. Defendants further object to the request to the extent it seeks information not reasonably
 27 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 28 extent it purports to seek documents or information protected from disclosure by the attorney-

client privilege or attorney work product doctrine, the common interest/joint defense privilege, or any other applicable privilege or protections, and to the extent it purports to seek documents or information protected from disclosure by the right to privacy under the United States, California, and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants further object to the extent this request seeks information that is equally available to Plaintiffs.

Subject to, and without waiving, the foregoing general and specific objections, and based upon a reasonable construction of the scope of this request, Defendants respond as follows: Defendants will produce documents demonstrating the payment of songwriter royalties to Defendant Michael Love for the 35 Songs that are not privileged, that are relevant to Plaintiffs' Claims, and that are otherwise unobjectionable responsive documents located through a reasonable search and that are in Defendants' possession, custody, or control, if the same exist.

REQUEST FOR PRODUCTION NO. 51:

Produce and identify all documents executed, negotiated or agreed upon between the Defendants to transfer, distribute, hold in trust, convey or make payment in connection with any of the 35 songs, reversion rights, and / or any all rights relating to said songs or moneys or assets related to said songs.

RESPONSE TO REQUEST FOR PRODUCTION NO. 51:

Defendants object to the definition of "identify" as used in this request, which purports to require Defendants to state the "type of each such document (e.g., letter memoranda, telephone message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . . [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of the case. Defendants object to the phrase "in connection with any of the 35 songs, reversion rights, and / or any all rights relating to said songs or moneys or assets related to said songs" as unintelligible, vague, ambiguous, overbroad, and unduly burdensome. Defendants further object

1 to the request to the extent it seeks information not reasonably calculated to lead to the discovery
 2 of admissible evidence. Defendants object to this request to the extent it purports to seek
 3 documents or information protected from disclosure by the attorney-client privilege or attorney
 4 work product doctrine, the common interest/joint defense privilege, or any other applicable
 5 privilege or protections, and to the extent it purports to seek documents or information protected
 6 from disclosure by the right to privacy under the United States, California, and/or Nevada
 7 Constitutions, or the right to privacy. Defendants further object to this request on the grounds that
 8 it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be
 9 produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-
 10 matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the
 11 reasonable needs of the case.

12 Subject to, and without waiving, the foregoing general and specific objections, and based
 13 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 14 Defendants stand on their objections and will not be producing the requested documents.

15 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 51:**

16 Defendants object to the definition of “identify” as used in this request, which purports to
 17 require Defendants to state the “type of each such document (e.g., letter memoranda, telephone
 18 message, notebook, etc.)” in addition to “the title(s), caption(s) or subject matter . . . the date . . .
 19 [and] the author” as being overly broad, unduly burdensome, and not proportional to the needs of
 20 the case. Defendants object to the phrase “in connection with any of the 35 songs, reversion
 21 rights, and / or any all rights relating to said songs or moneys or assets related to said songs” as
 22 unintelligible, vague, ambiguous, overbroad, and unduly burdensome. Defendants further object
 23 to the request to the extent it seeks information not reasonably calculated to lead to the discovery
 24 of admissible evidence. Defendants object to this request to the extent it purports to seek
 25 documents or information protected from disclosure by the attorney-client privilege or attorney
 26 work product doctrine, the common interest/joint defense privilege, or any other applicable
 27 privilege or protections, and to the extent it purports to seek documents or information protected
 28 from disclosure by the right to privacy under the United States, California, and/or Nevada

1 Constitutions, or the right to privacy. Defendants further object to this request on the grounds that
 2 it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be
 3 produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-
 4 matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the
 5 reasonable needs of the case.

6 Subject to, and without waiving, the foregoing general and specific objections, and based
 7 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 8 Defendants will produce documents that are not privileged, that are relevant to Plaintiffs' Claims,
 9 and that are otherwise unobjectionable responsive documents located through a reasonable search
 10 and that are in Defendants' possession, custody, or control, if the same exist.

11 **REQUEST FOR PRODUCTION NO. 52:**

12 Produce and identify all documents filed in any court or provided to any third party in
 13 which the third party is not covered by any privileged communications relating to marital
 14 conflicts between Michael Love and Jacquelyne Piesen Love.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 52:**

16 Defendants object to the definition of "identify" as used in this request, which purports to
 17 require Defendants to state the "type of each such document (e.g., letter memoranda, telephone
 18 message, notebook, etc.)" in addition to "the title(s), caption(s) or subject matter . . . the date . . .
 19 [and] the author" as being overly broad, unduly burdensome, and not proportional to the needs of
 20 the case. Defendants further object to the request to the extent it seeks information not reasonably
 21 calculated to lead to the discovery of admissible evidence. Defendants object to this request to the
 22 extent it purports to seek documents or information protected from disclosure by the attorney-
 23 client privilege or attorney work product doctrine, the common interest/joint defense privilege, or
 24 any other applicable privilege or protections, and to the extent it purports to seek documents or
 25 information protected from disclosure by the right to privacy under the United States, California,
 26 and/or Nevada Constitutions, or the right to privacy. Defendants further object to this request on
 27 the grounds that it: (1) is not sufficiently particular or definite to apprise Defendants of what
 28 documents must be produced; (2) it is unduly burdensome and overly broad in terms of time,

1 scope, and subject-matter; and (3) will take an unreasonable amount of time or money to fulfill in
 2 relation to the reasonable needs of the case. Defendants further object to the extent this request
 3 seeks information that is equally available to Plaintiffs.

4 Subject to, and without waiving, the foregoing general and specific objections, and based
 5 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 6 Defendants stand on their objections and will not be producing the requested documents.

7 **REQUEST FOR PRODUCTION NO. 53:**

8 Please identify all attorneys in connection with which Michael Love or Jacquelyne Piesen
 9 Love have sought advice concerning their marriage.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 53:**

11 Defendants object to the definition of “identify” as used in this request, which purports to
 12 require Defendants to state the “person’s full name and current home address and telephone
 13 number (or the last known home address and telephone number); each such person’s current
 14 business address and telephone number (or the last known business address and telephone
 15 number); and each such person’s current employer and job title or position (or the last known
 16 employer and job title or position” as being overly broad, unduly burdensome, and not
 17 proportional to the needs of the case. Defendants further object to the request to the extent it seeks
 18 information not reasonably calculated to lead to the discovery of admissible evidence. Defendants
 19 object to this request to the extent it purports to seek documents or information protected from
 20 disclosure by the attorney-client privilege or attorney work product doctrine, the common
 21 interest/joint defense privilege, or any other applicable privilege or protections, and to the extent
 22 it purports to seek documents or information protected from disclosure by the right to privacy
 23 under the United States, California, and/or Nevada Constitutions, or the right to privacy.
 24 Defendants further object to this request on the grounds that it: (1) is not sufficiently particular or
 25 definite to apprise Defendants of what documents must be produced; (2) it is unduly burdensome
 26 and overly broad in terms of time, scope, and subject-matter; and (3) will take an unreasonable
 27 amount of time or money to fulfill in relation to the reasonable needs of the case. Defendants
 28 further object as this request does not seek the production of documents or other tangible items

1 but instead seeks the identification of individuals and is therefore not a proper request for
2 production.

3 Subject to, and without waiving, the foregoing general and specific objections, and based
4 upon a reasonable construction of the scope of this request, Defendants respond as follows:
5 Defendants stand on their objections and will not be producing the requested information.

6 **REQUEST FOR PRODUCTION NO. 54:**

7 Please produce and identify all documents relating to the 35 songs which identify all
8 accountants, attorneys, individuals and entities that have been or are presently involved in any
9 capacity with the collection, and/or administration, and / or distribution of any and all songwriter
10 royalties between 1990 and the present.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 54:**

12 Defendants object to the definition of “identify” as used in the first portion of this request,
13 which purports to require Defendants to state the “type of each such document (e.g., letter
14 memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject
15 matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not
16 proportional to the needs of the case. Defendants object to the definition of “identify” as used in
17 the second portion of this request, which purports to require Defendants to state the “person’s full
18 name and current home address and telephone number (or the last known home address and
19 telephone number); each such person’s current business address and telephone number (or the last
20 known business address and telephone number); and each such person’s current employer and job
21 title or position (or the last known employer and job title or position” as being overly broad,
22 unduly burdensome, and not proportional to the needs of the case. Defendants further object to the
23 request to the extent it seeks information not reasonably calculated to lead to the discovery of
24 admissible evidence. Defendants object to this request to the extent it purports to seek documents
25 or information protected from disclosure by the attorney-client privilege or attorney work product
26 doctrine, the common interest/joint defense privilege, or any other applicable privilege or
27 protections, and to the extent it purports to seek documents or information protected from
28 disclosure by the right to privacy under the United States, California, and/or Nevada

1 Constitutions, or the right to privacy. Defendants further object to this request on the grounds that
 2 it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be
 3 produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-
 4 matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the
 5 reasonable needs of the case. Defendants further object to the extent this request seeks
 6 information that is equally available to Plaintiffs. Defendants further object to this request to the
 7 extent it seeks to require Defendants to compile information from various sources for Plaintiffs’
 8 benefit.

9 Subject to, and without waiving, the foregoing general and specific objections, and based
 10 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 11 Defendants will produce documents that are not privileged, that are relevant to Plaintiffs’
 12 Contract-Based Claims, and that are otherwise unobjectionable responsive documents located
 13 through a reasonable search and that are in Defendants’ possession, custody, or control, if the
 14 same exist.

15 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO. 54:**

16 Defendants object to the definition of “identify” as used in the first portion of this request,
 17 which purports to require Defendants to state the “type of each such document (e.g., letter
 18 memoranda, telephone message, notebook, etc.)” in addition to “the title(s), caption(s) or subject
 19 matter . . . the date . . . [and] the author” as being overly broad, unduly burdensome, and not
 20 proportional to the needs of the case. Defendants object to the definition of “identify” as used in
 21 the second portion of this request, which purports to require Defendants to state the “person’s full
 22 name and current home address and telephone number (or the last known home address and
 23 telephone number); each such person’s current business address and telephone number (or the last
 24 known business address and telephone number); and each such person’s current employer and job
 25 title or position (or the last known employer and job title or position” as being overly broad,
 26 unduly burdensome, and not proportional to the needs of the case. Defendants further object to the
 27 request to the extent it seeks information not reasonably calculated to lead to the discovery of
 28 admissible evidence. Defendants object to this request to the extent it purports to seek documents

1 or information protected from disclosure by the attorney-client privilege or attorney work product
 2 doctrine, the common interest/joint defense privilege, or any other applicable privilege or
 3 protections, and to the extent it purports to seek documents or information protected from
 4 disclosure by the right to privacy under the United States, California, and/or Nevada
 5 Constitutions, or the right to privacy. Defendants further object to this request on the grounds that
 6 it: (1) is not sufficiently particular or definite to apprise Defendants of what documents must be
 7 produced; (2) it is unduly burdensome and overly broad in terms of time, scope, and subject-
 8 matter; and (3) will take an unreasonable amount of time or money to fulfill in relation to the
 9 reasonable needs of the case. Defendants further object to the extent this request seeks
 10 information that is equally available to Plaintiffs. Defendants further object to this request to the
 11 extent it seeks to require Defendants to compile information from various sources for Plaintiffs'
 12 benefit.

13 Subject to, and without waiving, the foregoing general and specific objections, and based
 14 upon a reasonable construction of the scope of this request, Defendants respond as follows:
 15 Defendants will produce documents sufficient to identify accountants, attorneys, individuals and
 16 entities that have been involved with the collection, administration or distribution of songwriter
 17 royalties to Defendant Michael Love for the 35 Songs that are not privileged, that are relevant to
 18 Plaintiffs' Claims, and that are otherwise unobjectionable responsive documents located through a
 19 reasonable search and that are in Defendants' possession, custody, or control, if the same exist.

20 Dated: August 25, 2020

GREENBERG TRAURIG, LLP

21
22 By: 

VINCENT H. CHIEFFO, ESQ.

Admitted Pro Hac Vice

MARK E. FERRARIO, ESQ.

Nevada Bar No. 1625

JASON K. HICKS, ESQ.

Nevada Bar No. 13149

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2020, a true and correct copy of the foregoing document was served on Plaintiffs by e-mail at the email address(es) as listed below:

Michael Flynn (mike@mjfesq.com)

Philip Stillman (pstillman@stillmanassociates.com)

Dated: August 25, 2020

Ana Rivera

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10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
(702) 792-3773
(702) 792-9002 (fax)

EXHIBIT 3

DECLARATION OF PHILIP H. STILLMAN

STILLMAN & ASSOCIATES

3015 NORTH BAY ROAD, SUITE B
MIAMI BEACH, FL 33140
TELEPHONE (888) 235-4279
FACSIMILE (888) 235-4279
e-mail pstillman@stillmanassociates.com

PHILIP H. STILLMAN
ADMITTED IN MASSACHUSETTS
AND CALIFORNIA

115 North Orange Drive
Los Angeles, California 90036

May 29, 2021

Vincent H. Chieffo
GREENBERG TRAURIG L.P.
1840 Century Park East Ste. 1900
Los Angeles, California 90067

Re: Flynn et. al. v. Love et. al Case No: 3:19-cv-00239-MMD-CLB

Dear Vince:

I am writing to you to request “meet and confer” regarding (a) the inadequate responses served by your firm on August 25, 2020 in response to Plaintiffs’ Request For Production Of Documents (Set One) (“Plaintiff RPD”) served on your clients, Defendants in the above-captioned action (“Action”); (b) production of communications among the Plaintiffs after filing of the Action and among Defendants and their counsel after filing of the Action and (c) the production of documents by Plaintiffs from the litigation files of Michael J. Flynn. We will be producing certain documents responsive to Defendants’ Request For Production Of Documents (Set One) (“Defendants RPD”) as a preliminary response encouraged by the Magistrate at the Case Management Conference held on May 20, 2021 (“CMC”). I think we can find a rare agreement between us that the Magistrate expects more “meet and confer” and cooperation to complete discovery in this action and particularly before the next CMC scheduled for June 28, 2021.

Attorney-Client/Work Product Privilege. We propose that the parties agree that all communications (a) among the Plaintiffs in connection with the preparation and litigation of the Action and (b) among Defendants and their counsel in connection with the preparation and litigation of this Action be considered subject to the attorney-client and work product privilege. No privilege log need be submitted for such communications by either party. Communications among Plaintiffs not in preparation and litigation of this Action will not be subject to either privilege unless Plaintiffs identify a communication and provide a privilege log for it.

The parties agree that all communications among and between Defendants and Plaintiffs or their counsel (as opposed to solely between Defendants and their counsel) at any time are not subject to either privilege. Similarly, the parties agree that the submission or communication of pre-existing documents to counsel in preparation or litigation of this Action does not render such

documents subject to either privilege. All such documents must be disclosed if responsive to any document request. Should Defendants contend that any communication including delivery of pre-existing documents is subject to either privilege, it must do so in a privilege log subject to challenge by Plaintiffs.

Counsel for each of Plaintiffs and Defendants will each certify as officers of the court that each have disclosed or produced to the other party all responsive documents except (a) communications among the parties and counsel in preparation and litigation of this action or (b) as disclosed on a privilege log if any. Of course, any document not produced pursuant to this procedure may be introduced or referred to at trial in this matter as discussed below.

Production Of Documents. Defendants' production of documents to date is inadequate and not in compliance with FRCP 34(b)(2)(B), (C), (E) (i) because (a) the documents produced are not in accessible form and cannot be printed as a group, making the production unusable, (b) the documents produced do not designate to which RPD the documents are produced, (but rather represent a "document dump" of the sort the Magistrate warned against) and (c) the responses do not state whether this production constitutes all responsive documents or whether some responsive documents are being withheld based on an objection or claim of privilege that we previously discussed in our conference. Plaintiffs have responded to this inadequate production with a notice under Rule 34 that Defendants will be permitted access to all responsive documents held by Plaintiffs.

We propose the following to resolve the apparent impasse over document production. We have discussed above the issue of attorney/client and work product privilege. We further propose that both parties will each produce a final and complete set of responsive document production by July 15, 2021 sufficiently in advance of the CMC to permit a full discussion with the Magistrate of any remaining issues. Both sides will produce documents in BATES stamp form organized in response to each RPD and made available to the other side in both electronically delivered and physically delivered copies. Neither side should bear the expense and difficulty of managing or printing coded electronic delivery as Defendants have done with their existing "document dump."

In this regard, we propose that the parties agree that Plaintiffs do not need to produce the entire case files of the various *Love v. Wilson* cases which are immaterial to this Action. Rather, Plaintiffs will produce all communications with Defendants or among themselves touching or concerning the retainer agreements and legal fees payable in connection with these actions prior to February 2017. This production will include any accounting statements received by Plaintiffs from Defendants regarding the contingency fees at dispute in the Action. Plaintiffs will certify as officers of the Court that all documents in that category will be produced. If Defendants decline to accept this offer, Plaintiffs will move for a protective order to so limit Defendants' RPD.

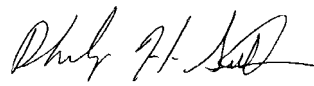
Authenticity/Completeness. We further propose that all documents produced as stated above shall be deemed authentic copies of originals and introducible at trial subject only to objection based on relevance. We further propose that each party certify to the other that the document production so made is complete and no documents not produced may be introduced at

trial unless disclosed to the other party no later than 60 days before trial with an explanation of late discovery, sufficient to permit the Magistrate to rule whether the documents if any should be excluded for failure to produce when required.

Please advise of time this week at which you and you team can continue “meet and confer” by telephone in effort to resolve the outstanding discovery disputes.

Very truly yours,

STILLMAN & ASSOCIATES

By: 
Philip H. Stillman

PHS:ds

cc: Michael J. Flynn

EXHIBIT 4

DECLARATION OF PHILIP H. STILLMAN

From: ChieffoV@gtlaw.com
Subject: Defendants' Document Productions
Date: June 14, 2021 at 4:16 PM
To: pstillman@stillmanassociates.com, mike@mjfsq.com
Cc: ferrariom@gtlaw.com, hicksja@gtlaw.com, simonju@gtlaw.com, drapeauc@gtlaw.com, riveraal@gtlaw.com, rosehilla@gtlaw.com

Dear Mike and Phil,

Phil we trust your out of county trip was enjoyable and welcome back. We want to respond to two of Mike's comments/complaints in his several recent emails about our clients' document productions.

Your claim that our production does not comply with the requirement of Rule 34:

We have produced the documents as they are kept in the ordinary course of business which is in full compliance with Rule 34(b)(2)(E)(i). Nevertheless in order to avoid any further waste of time and attorney's fees, attached please find two schedules of all documents produced to date. One schedule covers our clients' last three productions (September 2020 and May and June 2021), and indexes the documents by 28 categories listing in separate schedules each document produced by their beginning Bates number under each category for which it was tagged during the discovery document review. I also attach a copy of the list of categories used to create the separate schedules. The other schedule lists by beginning and end Bates numbers each document produced in August 2000 and includes each document's description in enough detail to understand to which of your requests it responds. We consider your unmeritorious claim satisfied and do not intend to spend any further time discussing it.

Your claim that a defect in our production methodology and software prevents you from printing the documents produced:

We also find this complaint without merit and do not recall any other attorney who has claimed that they could not print the ESI or documents we have produced. But, again, we do not intend to waste any more time or legal fees debating your claim. At our cost, we will print one copy of every document that our clients' have produced to date (approx. 30,500 pages) and deliver those copies to one of you. Please advise if the copy set should be sent to Phil in Miami or Mike in San Diego. If there is no such direction, we intend to deliver the copy set to Phil in Miami. We consider your unmeritorious claim satisfied and do not intend to spend any further time discussing it.

Best
Vince

Vincent H. Chieffo
Shareholder

Greenberg Traurig, LLP
1840 Century Park East | Suite 1900 | Los Angeles, CA 90067-2121
T +1 310.586.7731 | F +1 310.586.7800
ChieffoV@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



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Love Production Category list.zip
8.10.20.pdf

Category Designation

1. BMI/ASCAP/Universal
2. BMG
3. Primary Wave
4. Ashley/Rosentel
5. July 1992 contingency fee agreement
6. September 1993 contingency fee agreement (amendment)
7. December 1994 contingency fee agreement (amendment)
8. Wilson v. Irving/Almo
9. Love v. Rondor
10. Love v. Wilson
11. Love v. HarperCollins
12. Love v. Tierney
13. Love v. DailyMail
14. Moore v. Love
16. Laima Flynn Trust or Flynn's ex-wife, or Laima Flynn
17. Michael Flynn Jr.
18. Litigation fees
19. Flynn Sheridan and Tabb
20. Love General Accounting Records
21. Love's termination of Copyright
22. Plaintiff's claims
23. Patrick Riordan
24. Blackrock
26. Branca (John Branca)
27. Love/Flynn fee agreements other not '92 to '94
28. Royalties

EXHIBIT 5

DECLARATION OF PHILIP H. STILLMAN

STILLMAN & ASSOCIATES

3015 NORTH BAY ROAD, SUITE B
MIAMI BEACH, FL 33140
TELEPHONE (888) 235-4279
FACSIMILE (888) 235-4279
e-mail pstillman@stillmanassociates.com

PHILIP H. STILLMAN
ADMITTED IN MASSACHUSETTS
AND CALIFORNIA

115 North Orange Drive
Los Angeles, California 90036

June 18, 2021

Vincent H. Chieffo
GREENBERG TRAURIG L.P.
1840 Century Park East Ste. 1900
Los Angeles, California 90067

Re: Flynn et. al. v. Love et. al Case No: 3:19-cv-00239-MMD-CLB

Dear Vince:

This letter was originally intended to go out on June 16, after I returned from my well-deserved vacation. Sorry for the delay. In any event, I am responding to your email of June 14, 2021 ("6/14 Email") and request that we continue to "meet and confer" regarding (a) the inadequate responses served by your firm in response to Plaintiffs' Request For Production Of Documents (Set One) ("Plaintiff RPD") served on your clients, the Defendants in the above captioned action ("Action"); (b) production of communications among the Plaintiffs after filing of the Action and among Defendants (including Mike Tabb and Bill Sheridan) and their counsel beginning with the run-up to the filing of the fee arbitration and continuing after filing of the Action through the present and (c) the production of documents relating to the underlying *Love v. Wilson* litigation unrelated to agreement or payment of attorney fees.

Your 6/14 Email responds to the first (a) request for "meet and confer" in my letter to you in May, 2021 but not to the other two requests (b) and (c). Regarding your response to (a) please send all physical copies to my Los Angeles office, 115 N. Orange Dr. LA, CA 90036 by messenger or one of our staff can pick up the documents at your Century City office if that is more convenient. Thank you for your index which we are printing and will respond further after review as to whether Defendants' document production is complete.

What appears at first glance to be missing from Defendants' production are (i) all correspondence with BMG regarding the sale of 50% of Love's songwriter share, (ii) all correspondence with ASCAP regarding the \$1,000,000 advance for small performing rights, (iii) all correspondence with third parties for the sale of Love's songwriter or publishing reversion in the Sea of Tune Catalog and (iv) any audits or audit settlements with Irving Music or its successors regarding the accounting of Love's songwriter royalties, particularly foreign sub-distribution fee

issues and so-called “black box” collections. Is your document production now complete? Is your position that there are no responsive documents in these four categories which have not yet been produced?

To confirm, Defendants must produce all documents showing income or income claims with respect to the Love songwriter share of the Sea of Tunes Catalog. This request includes any arrangements under which Love licensed or purported to grant rights in his songwriter share or publishing reversion to third parties in which consideration of any kind was paid to any Defendant even if purportedly paid for some rights or interests other than Love’s interest in the Sea of Tunes Catalog. As you know, we have subpoenaed ASCAP, BMI, BMG and Irving Music for these documents as well. We will be retaining an accounting consultant to review these statements and prepare a demonstrative exhibit of all gross monies and other consideration paid to Love related in whole or in part to his interest in the Sea of Tunes Catalog, so that we can hopefully stipulate to the amounts now at issue.

Which leaves for discussion items (b) and (c) in our “meet and confer” letter. Please respond to those requests and advise when we “meet and confer” well in advance of the next hearing before the Magistrate to seek resolution of the scope of the documents to be produced by Plaintiffs. We are particularly concerned with production of a privilege log of all communications among the Plaintiffs after the dispute arose and this Action was filed which are work product in this litigation. As stated, the same issue applies to correspondence from any Defendants to you and your partners regarding the subject matter of this litigation, including negotiations with BMG and ASCAP. It is in both of our interests to resolve this issue before June 28.

Please advise of time this week at which you and your team can continue “meet and confer” by telephone in effort to resolve the outstanding discovery disputes.

Very truly yours,

STILLMAN & ASSOCIATES



By: _____
Philip H. Stillman

PHS:ds

cc: Michael J. Flynn

EXHIBIT 6

DECLARATION OF PHILIP H. STILLMAN

From: ChieffoV@gtlaw.com
Subject: RE: Hard copy of production
Date: July 1, 2021 at 6:07 PM
To: pstillman@stillmanassociates.com
Cc: mike@mjfesq.com, ferrariom@gtlaw.com, hicksja@gtlaw.com, simonju@gtlaw.com, riveraal@gtlaw.com, rosehilla@gtlaw.com



Phil,

I am in receipt of your letter dated June 29, 2021. Please consider this our response.

You again misrepresent the issues and our position on them. Allow me to clarify. We never reached an “agreement” regarding a hard copy of documents; you and Mike continuously complained about reviewing documents on your computers so I proposed I send a hard copy to put a stop to your never-ending gripes. That was until I learned that you intended to disclose our production to Peter Hoffman (and/or unknown others) which presents a serious issue (discussed more below). Apart from that, we have never said that “specialized” or otherwise proprietary software is required to view the documents we have produced electronically in discovery. In fact, you and Mike have already admitted (both to us and to the Magistrate Judge at the June 28th CMC) that you **are** able to view the documents we have produced in their electronic form and you **have** reviewed at least some portions of the productions. If you are looking for an “easier” way to view them (we still do not understand your “page by page” complaints, given all documents must be viewed “page by page” regardless of medium), then I suggest you contact one of the hundreds of discovery vendors out there to assist you. I have provided you with names and contact information for two of them already. I assume the documents can be organized however you’d like using more than one type of software, but I defer to whichever vendor you end up retaining. Your feigned “inconvenience” in reviewing our productions and your continued complaints in this regard are nothing more than the result of technical illiteracy on your parts and a complete aversion to helping yourselves; it is not our job to do this for you. The Loves are under no obligation to provide you with, much less pay for, hard copies of the documents you already have in your possession and that you are already able view. That said, if you would like to send us a check for \$3,000, which is the quoted cost to print everything we’ve produced, then we’ll do you a favor and have them printed and delivered to you in Miami. Otherwise, you have our productions in final form and we will not agree to take further steps in this regard.

Your argument that an “agreement” reached at a meet and confer has some “sanctity” is bizarre and unwittingly ironic given your and Mr. Flynn’s total abandonment of the agreements we reached at the April 30, 2021 meet and confer regarding the production of documents called for by our RFPs served some 10 months ago. You and Flynn now claim that no agreement was reached on that subject at the April 30, 2021 meet and confer. Instead Mr. Flynn continually proposes that we go to San Diego County to wander through some storage building to see if we can find documents responsive to our requests. As Magistrate Judge Baldwin has advised you, that proposed procedure is not in compliance with the rules. You complain about the burden of reading and/or printing our produced documents on your and Mike’s computers, yet you and Mike seek to impose a much greater burden on us with respect to Mike’s required production. It should also be noted that, other than a copy of the exhibits submitted by you and Mike to the MFAA arbitration, you have to date produced nothing in response to the RFP we served.

Of course, you are free to take this up with the Court.

Let me respond to your complaint regarding Peter Hoffman. I have no personal animosity to Peter and our objection to you disclosing our and third party document production with him is not a "personal" matter by any means. Our clients are entitled to the full protection provided to litigants and we intend to insist upon that. Peter is a disbarred attorney and convicted felon; I think our desire not to have our clients' confidential information in his possession is self-explanatory. While I do not agree with your reading of CA State Bar Rule 5.3.1, let me ask: did you provide the written notice to the California state bar as required? If so, please send it to us. Has Mr. Hoffman satisfied the California statutory (6450(d)) requirements regarding paralegal certifications and CLE? Send us proof of that, too. While I suspect the answer to both of my questions is "no," we are litigating the federal case in Nevada and so at the end of the day California rules you cite are inapplicable anyways. Your sharing of information governed by the protective order with individuals not authorized to view it is what gives us standing to assert an objection.

I also note your continued use of the term "we" in your letter. I thought it was made clear on Monday's CMC that *you* do not represent anyone other than yourself in this litigation. You are not barred in Nevada and so there is no "we" or "us." "Stillman & Associates" is not counsel of record in this case, and "Stillman & Associates" "employees" or "staff" have absolutely no right to be in possession of, or view, any of the discovery in this case regardless of whether or not you or they have complied with any arguably applicable statutes or ethical requirements. So I ask again: please inform of whether you have disclosed to Mr. Hoffman, or anyone else, all or any part of our clients' confidential documents produced thus far in discovery. If you do not agree to do so, we will raise it with the Court.

Thanks.

From: Philip H. Stillman <pstillman@stillmanassociates.com>

Sent: Monday, June 28, 2021 2:32 PM

To: Chieffo, Vincent H. (Shld-LA-IP-Tech-ENT-LT) <ChieffoV@gtlaw.com>

Cc: Mike Flynn <mike@mjfesq.com>; Ferrario, Mark E. (Shld-LV-LT) <ferrariom@gtlaw.com>; Hicks, Jason (Assoc-LV-LT) <hicksja@gtlaw.com>; Simon, Julianna M. (Assoc-LA-LT) <simonju@gtlaw.com>; Rivera, Ana (Secy-LA-LT) <riveraal@gtlaw.com>; Rosehill, Andrea (Secy-LV-LT) <rosehilla@gtlaw.com>

Subject: Re: Hard copy of production

Importance: High

Sorry but I do use that as my California office. See my letterhead. And as for Peter Hoffman, he works for me pursuant to State Bar Rule 5.3.1(c). I have no idea why he cannot be used as a paralegal in this case, and why you have any standing to object to it, so please explain your position.

As for printing, you agreed to provide one complete set. Please do so. You also agreed to provide the name of the purported software that you use to review the production in bulk and have not

yet done so. why not?

Philip H. Stillman | **STILLMAN • ASSOCIATES**

3015 North Bay Road | Suite B |

Miami Beach, FL 33140 |

V: [888.235.4279](tel:888.235.4279) | F: [888.235.4279](tel:888.235.4279)

pstillman@stillmanassociates.com

www.stillmanassociates.com

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On Jun 28, 2021, at 5:23 PM, <ChieffoV@gtlaw.com> <ChieffoV@gtlaw.com> wrote:

Dear Phil,

In your letter of June 18, 2021, you asked that our offered copy of Love produced documents be delivered to what you described as “my Los Angeles office” located at 115 North Orange Drive, LA, CA 90036-3014. That address is not your local Los Angeles office, it is a residential duplex. Peter Hoffman and, I believe, his wife Susan reside in one of the two units according to the California State Bar website. According to Mr. Hoffman’s December 11, 2020 to me, Mr. Hoffman is your client in his federal criminal case pending in United States District Court for the Eastern District of Louisiana. In his December email to me, Mr. Hoffman attached a copy of the post-trial and post-appeal Brady motion you filed on behalf of Mr. Hoffman in that case. Mr. Hoffman also noted that he was working with you “on several matters now (but not the Love case)” despite his disbarment by the California State Bar in September 2020.

Please be advised that we will not deliver any copies of documents produced in this case to Mr. Hoffman. Please be further advised that we object to Mr. Hoffman having any involvement in this matter, including , but not limited to, the review of documents produced by our clients and that any disclosure of our clients’ production of documents to Mr. Hoffman would be in violation of the Confidentiality Agreement and Protective Order (“Order”) entered in the Flynn v. Love action pending in Nevada (ECF. No. 85). Finally, demand is made that you and Mr. Flynn immediately comply with Paragraph 14 of the Order and provide us with all of the detail disclosure and information required by the Order with respect to any previous disclosure to Mr. Hoffman, or anyone else, of all or part of our clients’ produced discovery.

As to your and Mr. Flynn’s assertions that you cannot print the documents previously produced by our clients, we suggest that you contact the two vendor resources list below – of course there are many more who could assist you both.

eric peltola peltola@copyscaninc.com

Copyscan, Inc.

1122 COLUMBIA ST #107

1155 COLUMBIA ST. #107
SAN DIEGO, CA 92101
TEL(619)235-8900
FAX(619)235-8980

Ruben Ramos rmos@thefirstchoicedigital.com
First Choice Digital
305.579.5144

In case there is any doubt, we withdraw our previous gratuitous offer to provide you, at our own cost, one hard copy of our clients' discovery productions.

We look forward to hearing from you on these matters.

Best
Vince

Vincent H. Chieffo
Shareholder

Greenberg Traurig, LLP
1840 Century Park East | Suite 1900 | Los Angeles, CA 90067-2121
T +1 310.586.7731 | F +1 310.586.7800
ChieffoV@gtlaw.com | www.gtlaw.com | [View GT Biography](#)

<image001.png>

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From: Philip H. Stillman <pstillman@stillmanassociates.com>
Sent: Friday, June 25, 2021 1:47 PM
To: Chieffo, Vincent H. (Shld-LA-IP-Tech-ENT-LT) <ChieffoV@gtlaw.com>
Cc: Ferrario, Mark E. (Shld-LV-LT) <ferrariom@gtlaw.com>; Hicks, Jason (Assoc-LV-LT) <hicksja@gtlaw.com>; Mike Flynn <mike@mjfesq.com>
Subject: Hard copy of production

EXTERNAL TO GT

Vince, on June 18 you agreed to provide one hard copy of the documents that you had produced digitally. When will that set of documents be ready for pick-up? Also, on June 18, you explained that the difficulty in reviewing the documents digitally produced was because you use some proprietary software to review it. You had agreed to get me the name of the software on Monday or Tuesday, but have not done so yet. Please check with your IT people and get that to me as well. Thanks.

Philip H. Stillman | **STILLMAN ▪ ASSOCIATES**
3015 North Bay Road | Suite B |
Miami Beach, FL 33140 |
V: [888.235.4279](tel:888.235.4279) | F: [888.235.4279](tel:888.235.4279)
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EXHIBIT 7

DECLARATION OF PHILIP H. STILLMAN

From: ChieffoV@gtlaw.com

Subject: Plaintiffs violations of the Protective Order

Date: July 10, 2021 at 12:55 PM

To: pstillman@stillmanassociates.com, mike@mjfsq.com

Cc: ferrariom@gtlaw.com, hicksja@gtlaw.com, simonju@gtlaw.com, riveraal@gtlaw.com, rosehilla@gtlaw.com

VC

Phil and Mike,

We have now on several occasions advised you that the disclosure to Peter Hoffman of Confidential documents is a violation of the Protective Order because Mr. Hoffman is not an "Authorized Recipient" of Confidential documents under the Protective Order. This matter has come to a head with respect to the documents disclosed by Jim Hirsch (Mr. Love's co-author of "Good Vibrations") to you and Mr. Hoffman and the documents that he will produce pursuant to a subpoena DT issued by Mike. The already disclosed documents include hundreds of pages of Mr. Hirsch's notes prepared from confidential interviews he conducted with our clients and many others in the course of his research for "Good Vibrations." The circumstances of that disclosure is disturbing and improper. Mike communicated directly with Mr. Hirsch and threatened to subpoena him for the production of documents and for a deposition. At no time did Mike provide Mr. Hirsch with a copy of the Protective Order as we believe he was required to do. Mr. Hirsch's efforts, while unrepresented, to avoid a deposition lead him to disclose this Confidential information to you both. Moreover, Mike copied Mr. Hoffman on his emails to Mr. Hirsch and Mr. Hirsch unwittingly kept him on copy when sending the confidential information to you. Of course, Mr. Hirsch's efforts to avoid a subpoena was to no avail. Hirsch has been served with a subpoena and has now secured legal representation in this matter.

As you know, we have advised Mr. Hirsch's attorney that Defendants have designated all of the documents Mr. Hirsch had previously disclosed to you (and Mr. Hoffman) and the documents he will produce in response to Mike's subpoena to be "Confidential" under the Protective Order. We have also objected to your disclosure of Mr. Hirsch's documents and of any other Confidential documents to Mr. Hoffman.

We have also requested that you identify all documents in addition to the Hirsch documents that have been disclosed to others, including, but not limited to Mr. Hoffman, and to provide information sufficient to determine whether those individuals qualify as "Authorized Recipients" under the Protective Order. In this regard, we note Mike's comments during the June CMC that he has allowed two unidentified lawyers to review and to try to print prior discovery the Defendants had produced which productions contain many documents designated as "Confidential." 6/28/21 Transcript at 4:10-13. You have not provided any information about the identities of those two attorneys nor about what documents in Defendants' prior productions were reviewed by them.

Turning back to the disclosures to Mr. Hoffman, other than asserting that "Hoffman works for Phil Stillman on this matter and is covered under the PO", you have provided no factual basis for your position that Mr. Hoffman is an "Authorized Recipient" under the Protective Order. We understand that Phil currently represents Mr. Hoffman in his criminal proceedings now pending in both the United States District Court for the Eastern District of Louisiana and the Fifth Circuit. On June 28, 2021, Phil asserted that his client, Mr. Hoffman, who has been disbarred by the California Bar Association as a result of his multiple felony convictions for which he has been sentenced to 20 months incarceration, works for Phil as a "paralegal" "pursuant to [California] State Bar Rule 5.3.1(c)." We have asked for proof that Phil has complied with that California State Bar Rule (assuming for

asked for proof that Phil has complied with that California State Bar Rule (assuming for the moment it might be applicable with respect to the Nevada action) and for proof that Mr. Hoffman is in fact “employed” by Phil as a “paralegal” which role requires attorney supervision. You have stonewalled our requests and have provided no additional information.

Based on what we do know, summarized below, we believe that you both are intentionally breaching both the letter and the spirit of the Protective Order.

On “December 11, 2020 Mr. Hoffman sent me an email with the following introduction:
“Good morning, Vince, after all these years. Been following your case on behalf of Mike Love with Phil Stillman and Mike Flynn. I am working with Phil on several matters now (**but not the Love case**)” (*emphasis supplied*).

On June 28, 2021, Phil asked that we deliver copies of Defendants’ produced documents to what he called his “Los Angeles office” located at 115 North Orange Drive, LA, CA 90036-3014. Because that address is about 10 minutes from where I live, I knew it was not a business address, but rather was a residential address for a duplex. We then confirmed that it was the residential address for Mr. Hoffman and his wife, who was likewise convicted with her husband. Subsequently we determined that on or about June 14, 2021 Mr. Hoffman had mailed to GT from his Los Angeles residence address service copies of your filing of a cross-complaint and answer in Mr. Love’s state court protective action and a copy of your motion for a speedy declaratory relief hearing filed in the Reno Action. However, Mr. Hoffman did not sign any of the proofs of service attached to those filings. They were instead signed by someone claiming to be named Paul Cascante who supposedly resides at 2010 Chariton Street, Los Angeles, CA 90034. We have reason to believe that that is not Mr. Cascante’s residence address.

Obviously, Phil has no control over his client’s residence in Los Angeles, no control over its security status, no control over Mr. Hoffman’s personal electronic devices, and no control over who might be invited by Mr. Hoffman and/or his wife to their residence and thus have access to Confidential documents in this case if Defendants, or third-party witnesses, were to send physical copies to that residence or electronic copies to Mr. Hoffman’s device(s).

Had either of you actually thought that Mr. Hoffman’s involvement in this case and his access to Confidential documents was above board and in compliance with the Protective Order, you would not have gone through all your machinations to hide his involvement. The first information about Mr. Hoffman’s involvement in this case came when Phil sent us on June 21, 2021 his response to my May 7, 2021 email regarding the March 30 meet and confer as ordered by Magistrate Judge Baldwin at the June CMC. Attached to that response were copies of a number of emails authored by Mike that showed Mr. Hoffman as being blind copied on emails to us from Mike – emails dated June 3, 6, 9, 15, and 17. Learning that Mike was blind copying Mr. Hoffman on those emails led us to inquire about the address of Phil’s supposed Los Angeles office.

Additionally, in a July 7, 2021 email from Mike to Phil and Mr. Hoffman (voluntarily disclosed by Mike to us) Mike sought legal and litigation strategic advice from you both regarding the Southern District of California decision granting Mr. Love’s motion based on the federal first-to-file rule staying your action that we had removed from state court, and ordering a joint status report to be filed after Judge Du rules on your pending motion to

striking any joint status report to the court after being advised on your pending motion to strike Mr. Love's notice of rejection of the non-binding arbitration award and request for trial de novo after arbitration. Mike, as is his wont to remind us, is a highly experienced litigator and obviously would not be asking a supposed "paralegal" for that kind and level of legal and litigation strategic advice. Perhaps more importantly, and according to you, Mr. Hoffman does not work for Mike, and Mike is, as he was reminded at the June 28th CMC, a pro se litigant representing himself. There is no apparent basis for Mike to be strategizing with Mr. Hoffman or otherwise sharing with him information about this case.

Among the emails mentioned above attached to Phil's response to our May 7, 2021 email, and later filed by you as exhibits to your July status report for the CMC, are copies of emails authored by Mike that were blind copied to Mike Flynn Jr. and Christopher Conant as well as to Mr. Hoffman. As you are aware, neither Flynn Jr. nor Conant are parties to this litigation nor are they "Authorized Recipients" under the Protective Order. Please advise what roles in this litigation are being played by Mr. Conant, a former attorney for the Loves, and Mike's son Flynn Jr. Please advise if any Confidential material has been disclosed to them and, if so, identify such disclosed confidential material and when disclosed. Please also provide us with copies of all emails from or to us or on which we were copied that you have either blind copied or forwarded to third-parties, including, but not limited to, Flynn Jr., Hoffman, and Conant.

We ask that you provide the information requested in this correspondence no later than July 14, 2021, else we will move the Court for appropriate relief.

Best
Vince

Vincent H. Chieffo
Shareholder

Greenberg Traurig, LLP
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